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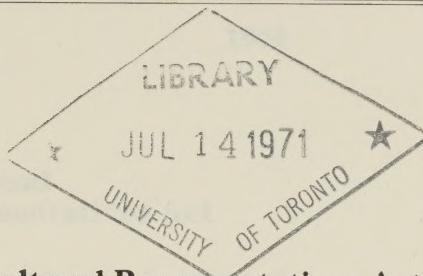
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**BILL 96**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

52



**An Act to amend The Agricultural Representatives Act**

THE HON. WM. A. STEWART  
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

District and regional municipalities are deemed counties for the purpose of making grants to assist in carrying on the work of agricultural representatives in the county.

**BILL 96****1971**

**An Act to amend  
The Agricultural Representatives Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Agricultural Representatives Act* is R.S.O. 1960,  
amended c. 10, s. 4,  
amended
  - (3) Every district and regional municipality shall be District and  
deemed to be a county for the purposes of this section. municipalities  
deemed counties
2. This Act comes into force on the day it receives Commencement  
Royal Assent.
3. This Act may be cited as *The Agricultural Representatives Amendment Act, 1971.* Short title

An Act to amend  
The Agricultural Representatives Act

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*1st Reading*

July 5th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. WM. A. STEWART  
Minister of Agriculture and Food

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(*Government Bill*)

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**BILL 96**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

An Act to amend

The Agricultural Representatives Act

**An Act to amend The Agricultural Representatives Act**

THE HON. WM. A. STEWART  
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 96****1971**

**An Act to amend  
The Agricultural Representatives Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Agricultural Representatives Act* is R.S.O. 1960,  
c. 10, s. 4,  
amended, amended by adding thereto the following subsection:
  - (3) Every district and regional municipality shall be deemed to be a county for the purposes of this section.  
District and  
regional  
municipalities  
deemed  
counties
2. This Act comes into force on the day it receives Commencement Royal Assent.
3. This Act may be cited as *The Agricultural Representatives Amendment Act, 1971*.  
Short title

An Act to amend  
The Agricultural Representatives Act

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*1st Reading*

July 5th, 1971

*2nd Reading*

July 8th, 1971

*3rd Reading*

July 8th, 1971

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THE HON. WM. A. STEWART  
Minister of Agriculture and Food

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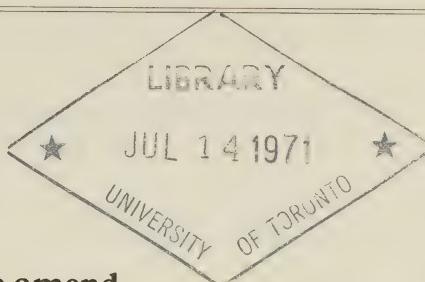
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**BILL 97**

Government Bill

Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971



**An Act to amend  
The Ryerson Polytechnical Institute Act, 1962-63**

THE HON. J. WHITE  
Minister of University Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

The Bill provides for the following changes:

1. The Minister of Colleges and Universities replaces the Minister of Education.
2. Hereafter, the Principal will be known as the President, and the appropriate changes are made throughout the Act.
3. Ryerson Polytechnical Institute is authorized to grant bachelor of applied arts and bachelor of technology degrees.

**An Act to amend The Ryerson Polytechnical Institute Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *c* and *d* of section 1 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 1,  
cls. c, d,  
re-enacted</sup> are repealed and the following substituted therefor:

- (*c*) "Minister" means the Minister of Colleges and Universities;
- (*d*) "President" means the President of Ryerson Polytechnical Institute.

**2.** Clause *d* of subsection 2 of section 4 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 4,  
subs. 2, cl. d,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*d*) the President; and

**3.** Subsection 3 of section 5 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 5,  
subs. 3,  
re-enacted</sup> is repealed and the following substituted therefor:

- (3) The President is a member of every such committee. President  
member of  
committees

**4.—(1)** Clause *b* of section 7 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 7,  
cl. b,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*b*) to appoint the President and define his duties and responsibilities.

1962-63,  
c. 128, s. 7,  
cl. c,  
amended

(2) Clause *c* of the said section 7 is amended by striking out "Principal" in the first line and inserting in lieu thereof "President", so that the clause, exclusive of the subclauses, shall read as follows:

(*c*) upon the recommendation of the President,

1962-63,  
c. 128, s. 7,  
cl. *n*,  
amended

(3) Clause *n* of the said section 7 is amended by striking out "Principal" where it occurs in the seventeenth line and inserting in lieu thereof in each instance "President".

1962-63,  
c. 128, s. 7,  
cl. *r*,  
re-enacted

(4) Clause *r* of the said section 7 is repealed and the following substituted therefor:

(*r*) to fix fees to be paid by the students for instruction, laboratory work, examinations, degrees, certificates, diplomas and any ancillary activities;

(*ra*) to grant bachelor of applied arts and bachelor of technology degrees.

Commencement

**5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Ryerson Polytechnical Institute Amendment Act, 1971*.







An Act to amend  
The Ryerson Polytechnical Institute  
Act, 1962-63

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*1st Reading*

July 5th, 1971

*2nd Reading*

*3rd Reading*

THE HON. J. WHITE  
Minister of University Affairs

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(*Government Bill*)

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356

**BILL 97**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Ryerson Polytechnical Institute Act, 1962-63**

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THE HON. J. WHITE  
Minister of University Affairs



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 97****1971**

**An Act to amend The Ryerson Polytechnical Institute Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *c* and *d* of section 1 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 1,</sup> are repealed and the following substituted <sup>cls. c, d,  
re-enacted</sup> therefor:

- (*c*) "Minister" means the Minister of Colleges and Universities;
- (*d*) "President" means the President of Ryerson Polytechnical Institute.

**2.** Clause *d* of subsection 2 of section 4 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 4,  
subs. 2, cl. d,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*d*) the President; and

**3.** Subsection 3 of section 5 of *The Ryerson Polytechnical Institute Act, 1962-63* <sup>1962-63,  
c. 128, s. 5,  
subs. 3,  
re-enacted</sup> is repealed and the following substituted therefor:

- (3) The President is a member of every such committee. President  
member of  
committees

**4.—(1)** Clause *b* of section 7 of *The Ryerson Polytechnical Institute Act, 1962-63* is repealed and the following substituted <sup>1962-63,  
c. 128, s. 7,  
cl. b,  
re-enacted</sup> therefor:

- (*b*) to appoint the President and define his duties and responsibilities.

1962-63,  
c. 128, s. 7,  
cl. c,  
amended

(2) Clause *c* of the said section 7 is amended by striking out "Principal" in the first line and inserting in lieu thereof "President", so that the clause, exclusive of the subclauses, shall read as follows:

(*c*) upon the recommendation of the President,

1962-63,  
c. 128, s. 7,  
cl. n,  
amended

(3) Clause *n* of the said section 7 is amended by striking out "Principal" where it occurs in the seventeenth line and inserting in lieu thereof in each instance "President".

1962-63,  
c. 128, s. 7,  
cl. r,  
re-enacted

(4) Clause *r* of the said section 7 is repealed and the following substituted therefor:

(*r*) to fix fees to be paid by the students for instruction, laboratory work, examinations, degrees, certificates, diplomas and any ancillary activities;

(*ra*) to grant bachelor of applied arts and bachelor of technology degrees.

Commencement

**5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Ryerson Polytechnical Institute Amendment Act, 1971*.







An Act to amend  
The Ryerson Polytechnical Institute  
Act, 1962-63

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*1<sup>st</sup> Reading*

July 5th, 1971

*2<sup>nd</sup> Reading*

July 22nd, 1971

*3<sup>rd</sup> Reading*

July 23rd, 1971

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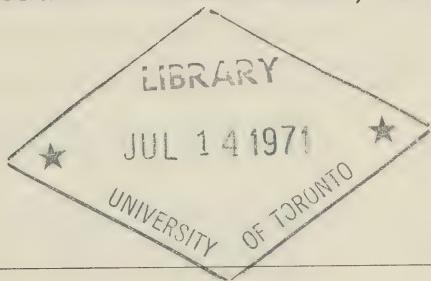
THE HON. J. WHITE  
Minister of University Affairs

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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**The Department of Colleges and Universities Act, 1971**



THE HON. J. WHITE  
Minister of University Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

*The Department of University Affairs Act, 1964* is revised to,

1. change the name of the Department;
2. transfer the provisions for colleges of applied arts and technology from *The Department of Education Act* to this Act;
3. provide that capital expenses of colleges of applied arts and technology and of Ryerson Polytechnical Institute, the Art Gallery of Ontario and The Royal Ontario Museum shall be financed by The Ontario Universities Capital Aid Corporation only on the recommendation of the Minister in the same manner as capital expenses of universities.

**BILL 98****1971**

**The Department of Colleges and  
Universities Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Department" means the Department of Colleges and Universities;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council as the Minister of Colleges and Universities.

**2.**—(1) The department of the public service heretofore known as the Department of University Affairs is continued under the name "Department of Colleges and Universities".

(2) The Minister shall preside over and have charge of the Department and is responsible for the administration of this and such other Acts and the regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

**3.**—(1) The Lieutenant Governor in Council may appoint a Deputy Minister of the Department.

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Department.

(3) The Lieutenant Governor in Council may appoint such advisory bodies as are deemed necessary from time to time.

**4.** Any mention of or reference to the Minister or Deputy Minister of University Affairs or to the Department of University etc.

Affairs in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Colleges and Universities or the Department of Colleges and Universities, as the case may be.

**Capital expenditures financed through The Ontario Universities Capital Aid Corporation**

**5.** The Minister may determine the amount of any capital expenditure of a university or a college of applied arts and technology or of Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university or a college of applied arts and technology or from Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum by the Corporation only on the recommendation of the Minister.

**Colleges of applied arts and technology**

**6.—(1)** Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programs of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students.

**Council of Regents**

**(2)** The Minister shall be assisted in the planning, establishment and co-ordination of programs of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Lieutenant Governor in Council.

**Boards of governors, advisory committees**

R.S.O. 1960,  
c. 71

**(3)** There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a program of instruction offered in the college other than programs of instruction referred to in subsection 5.

**Agreements**

**(4)** For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

**Idem**

**(5)** Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by

the university in the college of programs of instruction leading to degrees, certificates or diplomas awarded by the university.

(6) The cost of the establishment, maintenance and conduct of a college shall be payable out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programs of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

(7) The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

- (a) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (b) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;
- (c) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;
- (d) prescribing the type, content and duration of programs of instruction to be offered;
- (e) prescribing the requirements for admission to any program of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any program of instruction;
- (f) for the granting of certificates and diplomas of standing following successful completion of any program of instruction;
- (g) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;
- (h) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;

Cost of  
establish-  
ment and  
maintenance

- (i) providing for a payment of a *per diem* allowance to the members, except the chairman, of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (j) requiring students to pay registration, tuition and laboratory fees in respect of any program of instruction, and fixing the amounts and manner of payment thereof;
- (k) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any program of instruction and the manner of payment thereof.

**Application of regulations** (8) No regulation made under subsection 7 applies to a university or to programs of instruction given by a university in such colleges.

**Remuneration of chairman** (9) The chairman of the Ontario Council of Regents for Colleges of Applied Arts and Technology shall be paid such remuneration and shall be entitled to such other benefits as may be determined by the Lieutenant Governor in Council.

**Present regulations continued** (10) Regulations made under section 14a of *The Department of Education Act* that are in force when this Act comes into force, shall be deemed to have been made by the Minister of Colleges and Universities under this section.

**Expenses** **7.** The expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

**Repeal** **8.** *The Department of University Affairs Act, 1964* is repealed.

**Commencement** **9.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title** **10.** This Act may be cited as *The Department of Colleges and Universities Act, 1971*.



The Department of Colleges and  
Universities Act, 1971

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*1st Reading*

July 5th, 1971

*2nd Reading*

*3rd Reading*

THE HON. J. WHITE  
Minister of University Affairs

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(*Government Bill*)

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**BILL 98**

Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**The Department of Colleges and Universities Act, 1971**

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THE HON. J. WHITE  
Minister of University Affairs

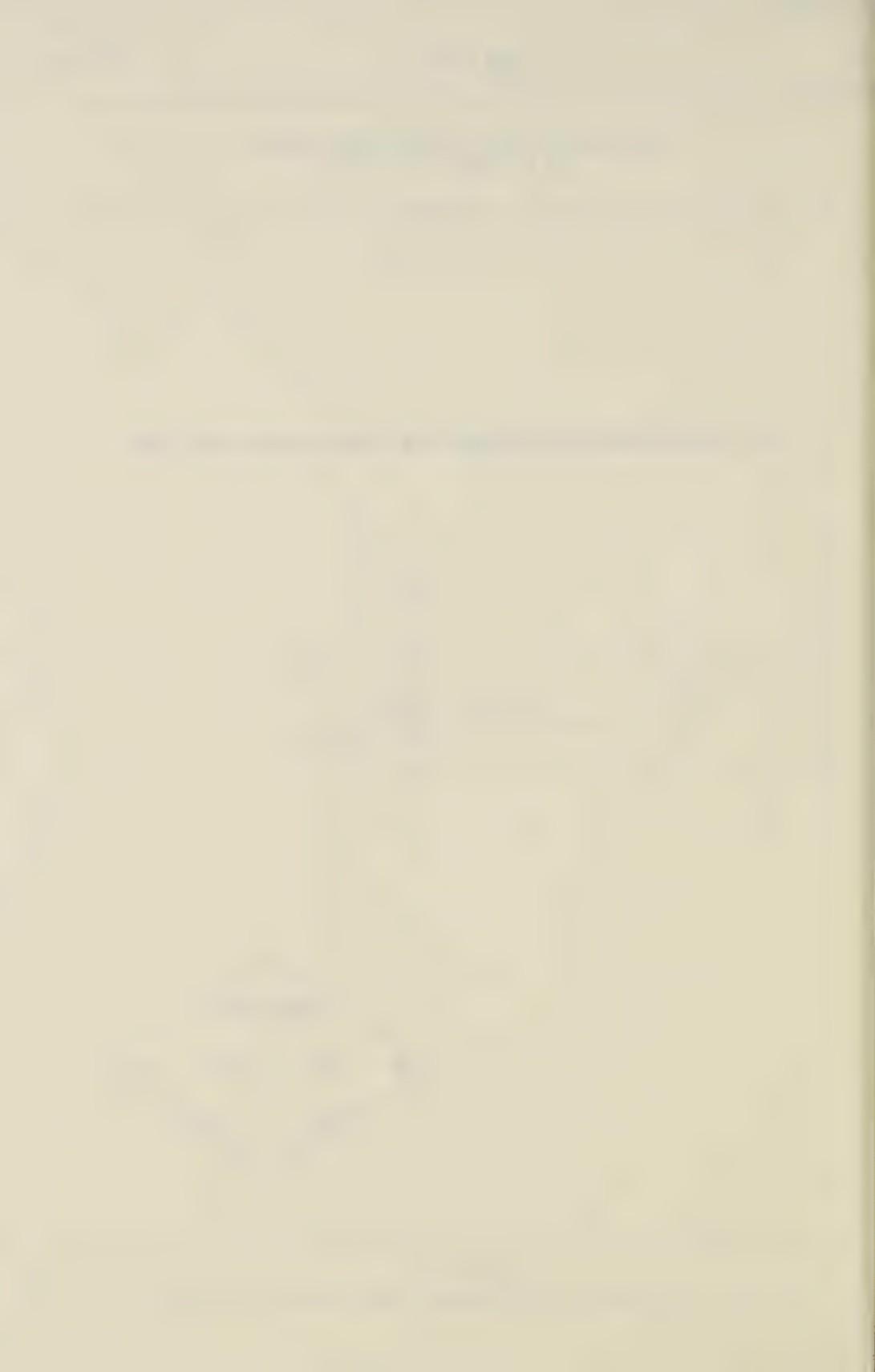
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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 98****1971**

**The Department of Colleges and  
Universities Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Department" means the Department of Colleges and Universities;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council as the Minister of Colleges and Universities.

**2.**—(1) The department of the public service heretofore known as the Department of University Affairs is continued under the name "Department of Colleges and Universities".

(2) The Minister shall preside over and have charge of the Department and is responsible for the administration of this and such other Acts and the regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

**3.**—(1) The Lieutenant Governor in Council may appoint a Deputy Minister of the Department.

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Department.

(3) The Lieutenant Governor in Council may appoint such advisory committees or other consulting bodies as are deemed necessary from time to time.

**4.** Any mention of or reference to the Minister or Deputy Minister of University Affairs or to the Department of University References to Minister, etc.

Affairs in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Colleges and Universities or the Department of Colleges and Universities, as the case may be.

Capital expenditures financed through The Ontario Universities Capital Aid Corporation

**5.** The Minister may determine the amount of any capital expenditure of a university or a college of applied arts and technology or of Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university or a college of applied arts and technology or from Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum by the Corporation only on the recommendation of the Minister.

Colleges of applied arts and technology

**6.—(1)** Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programs of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students.

Council of Regents

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programs of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Lieutenant Governor in Council.

Boards of governors, advisory committees

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a program of instruction offered in the college other than programs of instruction referred to in subsection 5.

Agreements

(4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

Idem

(5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by

the university in the college of programs of instruction leading to degrees, certificates or diplomas awarded by the university.

(6) The cost of the establishment, maintenance and conduct of a college shall be payable out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programs of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

(7) The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

- (a) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (b) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;
- (c) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;
- (d) prescribing the type, content and duration of programs of instruction to be offered;
- (e) prescribing the requirements for admission to any program of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any program of instruction;
- (f) for the granting of certificates and diplomas of standing following successful completion of any program of instruction;
- (g) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;
- (h) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;

- (i) providing for a payment of a *per diem* allowance to the members, except the chairman, of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (j) requiring students to pay registration, tuition and laboratory fees in respect of any program of instruction, and fixing the amounts and manner of payment thereof;
- (k) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any program of instruction and the manner of payment thereof.

**Application of regulations** (8) No regulation made under subsection 7 applies to a university or to programs of instruction given by a university in such colleges.

**Remuneration of chairman** (9) The chairman of the Ontario Council of Regents for Colleges of Applied Arts and Technology shall be paid such remuneration and shall be entitled to such other benefits as may be determined by the Lieutenant Governor in Council.

**Present regulations continued** R.S.O. 1960, c. 94 (10) Regulations made under section 14a of *The Department of Education Act* that are in force when this Act comes into force, shall be deemed to have been made by the Minister of Colleges and Universities under this section.

**Expenses** 7. The expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

**Repeal** 1964, c. 24 8. *The Department of University Affairs Act, 1964* is repealed.

**Commencement** 9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title** 10. This Act may be cited as *The Department of Colleges and Universities Act, 1971*.



The Department of Colleges and  
Universities Act, 1971

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*1st Reading*

July 5th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

July 23rd, 1971

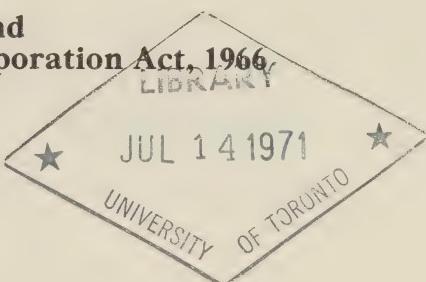
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THE HON. J. WHITE  
Minister of University Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

An Act to amend  
**The Ontario Development Corporation Act, 1966**



THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The purpose of the amendment is to increase the amount of financial assistance under section 8 of the Act to industrial undertakings owned or held by Canadian citizens.

**BILL 99****1971**

**An Act to amend  
The Ontario Development Corporation Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 4 of section 8 of *The Ontario Development Corporation Act, 1966*, as re-enacted by section 3 of *The Ontario Development Corporation Amendment Act, 1968*, is repealed and the following substituted therefor:

(*a*) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

**2.** This Act shall be deemed to have come into force <sup>Commencement</sup> on the 6th day of May, 1971.

**3.** This Act may be cited as *The Ontario Development Corporation Amendment Act, 1971*.

An Act to amend  
The Ontario Development  
Corporation Act, 1966

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*1st Reading*

July 5th, 1971

*2nd Reading*

*3rd Reading*

THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

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(*Government Bill*)

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Ontario Development Corporation Act, 1966**

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THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

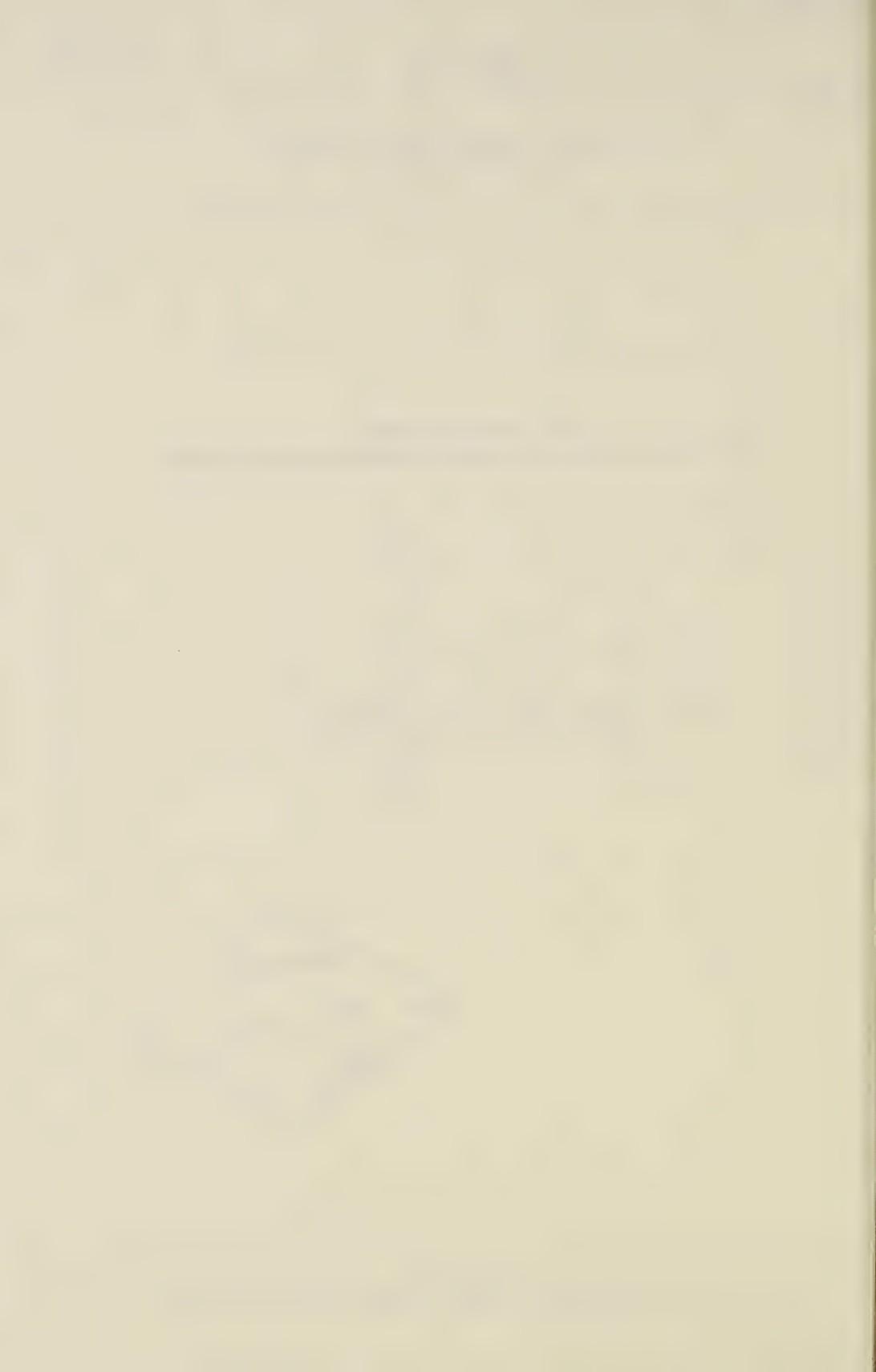
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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 99****1971**

**An Act to amend  
The Ontario Development Corporation Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 4 of section 8 of *The Ontario Development Corporation Act, 1966*, as re-enacted by section 3 of *The Ontario Development Corporation Amendment Act, 1968*, is repealed and the following substituted therefor:

(*a*) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

**2.** This Act shall be deemed to have come into force <sup>Commencement</sup> on the 6th day of May, 1971.

**3.** This Act may be cited as *The Ontario Development Corporation Amendment Act, 1971*.

An Act to amend  
The Ontario Development  
Corporation Act, 1966

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*1st Reading*

July 5th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

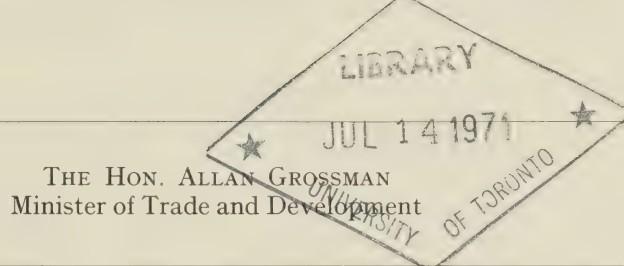
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THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend  
The Northern Ontario Development Corporation Act, 1970**



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The purpose of the amendment is to increase the amount of financial assistance under section 6 of the Act to industrial undertakings owned or held by Canadian citizens.

**BILL 100****1971**

**An Act to amend  
The Northern Ontario Development  
Corporation Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 3 of section 6 of *The Northern Ontario Development Corporation Act, 1970* is repealed and the 1970, c. 77,  
s. 6, subs. 3.  
cl. a.  
re-enacted

(*a*) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

**2.** This Act shall be deemed to have come into force on the Commencement  
6th day of May, 1971.

**3.** This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1971*. Short title

An Act to amend  
The Northern Ontario Development  
Corporation Act, 1970

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*1st Reading*

July 5th, 1971

*2nd Reading*

*3rd Reading*

THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

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(*Government Bill*)

~~BILL 100~~

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend  
The Northern Ontario Development Corporation Act, 1970**

THE HON. ALLAN GROSSMAN  
Minister of Trade and Development



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 100****1971**

**An Act to amend  
The Northern Ontario Development  
Corporation Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 3 of section 6 of *The Northern Ontario Development Corporation Act, 1970* <sup>1970, c. 77,  
s. 6, subs. 3.</sup> is repealed and the <sup>cl. *a*</sup> <sub>re-enacted</sub> following substituted therefor:

(*a*) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

**2.** This Act shall be deemed to have come into force on the <sup>Commencement</sup> 6th day of May, 1971.

**3.** This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1971*. <sup>Short title</sup>

An Act to amend  
The Northern Ontario Development  
Corporation Act, 1970

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*1st Reading*

July 5th, 1971

*2nd Reading*

July 19th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. ALLAN GROSSMAN  
Minister of Trade and Development

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B

B 56

**BILL 101**

Government Bill

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Liquor Control Act**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Provision is made for sobering up under supervision at a public hospital in lieu of prosecution.

SECTION 2. One justice of the peace is authorized to try offences where a provincial judge is not available.

**BILL 101****1971****An Act to amend The Liquor Control Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Liquor Control Act* is amended by adding thereto R.S.O. 1960.  
c. 217.  
amended

106a.—(1) In this section,

Interpre-  
tion

- (a) “detoxification centre” means a public hospital designated under subsection 2;
- (b) “municipality” means a municipality responsible for maintaining a police force.
- (2) The Lieutenant Governor in Council may by regulation designate any public hospital as a detoxification centre. Designation of detoxification centres
- (3) Where a constable or other police officer finds a person in a public place apparently in contravention of subsection 2 of section 80, he may, take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre. Taking to detoxification centre in lieu of charge
- (4) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof in respect of the examination or treatment of a person in a detoxification centre under subsection 3 who is brought to the centre by a constable or other police officer. Protection from liability

**2.** Section 124 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960.  
c. 217, s. 124.  
re-enacted

All prosecutions may be before justice

124. All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a provincial judge having jurisdiction or before a justice of the peace where no such provincial judge is available.

Commence-  
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Liquor Control Amendment Act, 1971.* (No. 2).







An Act to amend  
The Liquor Control Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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(*Government Bill*)

56

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Liquor Control Act**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 101****1971****An Act to amend The Liquor Control Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Liquor Control Act* is amended by adding thereto R.S.O. 1960,  
c. 217,  
amended

106a.—(1) In this section,

Interpre-  
tation

(a) “detoxification centre” means a public hospital designated under subsection 2;

(b) “municipality” means a municipality responsible for maintaining a police force.

(2) The Lieutenant Governor in Council may by regulation designate any public hospital as a detoxification centre.

(3) Where a constable or other police officer finds a person in a public place apparently in contravention of subsection 2 of section 80, he may, take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

(4) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof in respect of the examination or treatment of a person in a detoxification centre under subsection 3 who is brought to the centre by a constable or other police officer.

**2.** Section 124 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 217, s. 124,  
re-enacted

All prosecu-  
tions may  
be before  
justice

124. All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a provincial judge having jurisdiction or before a justice of the peace where no such provincial judge is available.

Commencement

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Liquor Control Amendment Act, 1971.* (No. 2).







An Act to amend  
The Liquor Control Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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B  
B 56**BILL 102****Government Bill**

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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Secondary Schools and Boards of Education Act**

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THE HON. R. WELCH  
Minister of Education

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** The amendment provides for the use of equalized assessment and average daily enrolment instead of local assessment and average daily attendance since the secondary school district will usually include more than one municipality.

**SECTION 2.** Subsection 3 is amended for clarification.

BILL 102

1971

**An Act to amend  
The Secondary Schools and  
Boards of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61* and amended by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

(*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, c. 6, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

**2.** Subsection 3 of section 34 of *The Secondary Schools and Boards of Education Act*, as enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by subsection 3 of section 14 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes, and any sum collected in excess

of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

R.S.O. 1960,  
c. 362, s. 50,  
subs.<sup>5</sup>  
(1970, c. 63,  
s. 1),  
re-enacted

**3.** Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1970*, is repealed and the following substituted therefor:

Members to  
be trustees

(5) A member of a board of education elected by separate school supporters, appointed by a separate school board, or appointed by the remaining members elected by separate school supporters in the case of a vacancy, is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

R.S.O. 1960,  
c. 362, s. 71,  
subs.<sup>1</sup>  
(1965, c. 119,  
s. 16),  
re-enacted

**4.—(1)** Subsection 1 of section 71 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Admission of  
ward, etc.,  
of children's  
aid society

(1) A child who is a ward of a children's aid society or who is in the care of a children's aid society, and who has been promoted or transferred to a secondary school, shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which the child resides.

R.S.O. 1960,  
c. 362, s. 71,  
subs. *1a*  
(1965, c. 119,  
s. 16),  
repealed

(2) Subsection *1a* of the said section 71, as enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 362, s. 83  
(1968, c. 122,  
s. 8), subs. 6,  
re-enacted

**5.** Subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Members to  
be trustees

(6) A member of a divisional board who is,

(a) elected by separate school supporters; or

(b) appointed, in the case of a vacancy,

**SECTION 3.** This amendment is to make the provisions of this section apply to a member appointed to fill a vacancy.

**SECTION 4.** Subsections 1 and 2. The amendments eliminate tuition fees for wards and children in the care of a children's aid society.

**SECTION 5.** The amendment is to make the subsection apply also to members appointed to fill a vacancy.

**SECTION 6.** The amendments clarify the powers of a divisional board with respect to interim capital financing.

**SECTION 7.** Subsections 1 and 2. The amendments eliminate tuition fees in respect of trainable retarded children who are wards or in the care of a children's aid society.

- (i) by the remaining members elected to the divisional board by separate school supporters, or
- (ii) by a separate school board,

is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes.

**6.—(1)** Subsection 1 of section 89 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by inserting after “imposed” in the seventh line “and powers conferred” and by inserting after “imposed” in the twelfth line “and conferred”, so that the subsection shall read as follows:

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively.

(2) The said section 89 is amended by adding thereto the following subsection:

(1a) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board.

**7.—(1)** Subsection 4 of section 109 of *The Secondary Schools and Boards of Education Act*, as enacted by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Ward of  
children's  
aid society

(4) A trainable retarded child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted without the payment of a fee to a school for trainable retarded children operated by the divisional board of the school division in which the child resides.

R.S.O. 1960,  
c. 362, s. 109  
(1968, c. 122,  
s. 9) subs. 5,  
repealed

(2) Subsection 5 of the said section 109 is repealed.

Commencement

**8.**—(1) This Act, except sections 1, 4 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4 and 7 come into force on the 1st day of January, 1972.

Short title

**9.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1971*.







# **BILL 102**

An Act to amend  
The Secondary Schools and  
Boards of Education Act

*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. R. WELCH  
Minister of Education

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(*Government Bill*)

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B 56

**BILL 102**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

Publicat

**An Act to amend  
The Secondary Schools and Boards of Education Act**

THE HON. R. WELCH  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 102****1971**

**An Act to amend  
The Secondary Schools and  
Boards of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61* and amended by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

(*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

**2.** Subsection 3 of section 34 of *The Secondary Schools and Boards of Education Act*, as enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by subsection 3 of section 14 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes, and any sum collected in excess

of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

R.S.O. 1960,  
c. 362, s. 50,  
subs. 5  
(1970, c. 63,  
s. 1),  
re-enacted

**3.** Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1970*, is repealed and the following substituted therefor:

Members to  
be trustees

(5) A member of a board of education elected by separate school supporters, appointed by a separate school board, or appointed by the remaining members elected by separate school supporters in the case of a vacancy, is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

R.S.O. 1960,  
c. 362, s. 71,  
subs. 1  
(1965, c. 119,  
s. 16),  
re-enacted

**4.**—(1) Subsection 1 of section 71 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Admission of  
ward, etc.,  
of children's  
aid society

(1) A child who is a ward of a children's aid society or who is in the care of a children's aid society, and who has been promoted or transferred to a secondary school, shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which the child resides.

R.S.O. 1960,  
c. 362, s. 71,  
subs. 1a  
(1965, c. 119,  
s. 16),  
repealed

(2) Subsection 1a of the said section 71, as enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 362, s. 83  
(1968, c. 122,  
s. 8), subs. 6,  
re-enacted

**5.** Subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Members to  
be trustees

(6) A member of a divisional board who is,

(a) elected by separate school supporters; or

(b) appointed, in the case of a vacancy,

- (i) by the remaining members elected to the divisional board by separate school supporters, or
- (ii) by a separate school board,

is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes.

**6.**—(1) Subsection 1 of section 89 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act*, <sup>R.S.O. 1960, c. 362, s. 89  
(1968, c. 122, s. 8), subs. 1, amended</sup> 1968, is amended by inserting after “imposed” in the seventh line “and powers conferred” and by inserting after “imposed” in the twelfth line “and conferred”, so that the subsection shall read as follows:

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively. <sup>R.S.O. 1960, c. 249</sup>

(2) The said section 89 is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 362, s. 89  
(1968, c. 122, s. 8), amended</sup>

(1a) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board. <sup>Temporary advances pending sale of debentures</sup>

**7.**—(1) Subsection 4 of section 109 of *The Secondary Schools and Boards of Education Act*, as enacted by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 362, s. 109  
(1968, c. 122, s. 9) subs. 4, re-enacted</sup>

Ward of  
children's  
aid society

R.S.O. 1960,  
c. 362, s. 109  
(1968, c. 122,  
s. 9) subs. 5,  
repealed

Commencement

Idem

Short title

(4) A trainable retarded child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted without the payment of a fee to a school for trainable retarded children operated by the divisional board of the school division in which the child resides.

(2) Subsection 5 of the said section 109 is repealed.

**8.**—(1) This Act, except sections 1, 4 and 7, comes into force on the day it receives Royal Assent.

(2) Sections 1, 4 and 7 come into force on the 1st day of January, 1972.

**9.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1971*.



An Act to amend  
The Secondary Schools and  
Boards of Education Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 13th, 1971

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THE HON. R. WELCH  
Minister of Education

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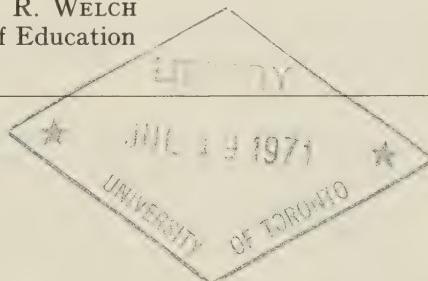
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56  
**4TH SESSION, 28TH LEGISLATURE, ONTARIO**  
**20 ELIZABETH II, 1971**

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**An Act to amend The Public Schools Act**

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THE HON. R. WELCH  
Minister of Education



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Subsections 1 and 2. The amendment eliminates tuition fees for wards and children in the care of a children's aid society.

Subsection 3. Subsections 10 and 11 are revised to provide for the use of equalized assessment and average daily enrolment instead of local assessment and average daily attendance since the school section may include several municipalities and to clarify the provisions respecting the payment of fees of pupils resident on tax-exempt lands.

**BILL 103****1971**

### An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 8 of section 6 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 6, as re-enacted by subsection 5 of section 2 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

(8) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a public school operated by the board of the school section in which the child resides.

(2) Subsection 8a of the said section 6, as enacted by subsection 5 of section 2 of *The Public Schools Amendment Act, 1965*, is repealed.

(3) Subsections 10 and 11 of the said section 6 are repealed and the following substituted therefor:

(10) Where a parent or guardian wishes to enroll his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school

purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year, the child shall be admitted to a public school operated by the board of that school section without the payment of a fee.

Resident on  
land exempt  
from  
taxation

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 330, s. 40  
(1964, c. 95,  
s. 6),  
re-enacted

Township  
school areas

Alteration  
of areas

- (11) A child who is otherwise qualified to attend a public school and who resides on land that is exempt from taxation for school purposes shall be admitted to a public school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the child in the school for the current year, and fees as determined under section 100a of *The Schools Administration Act*, except where the regulations provide otherwise in respect of such fees, shall be prepaid monthly by the child or by his parent or guardian.

**2.** Section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, and amended by section 11 of *The Public Schools Amendment Act, 1965*, section 23 of *The Public Schools Amendment Act, 1966* and section 5 of *The Public Schools Amendment Act, 1967*, is repealed and the following substituted therefor:

40.—(1) Subject to subsections 2, 3 and 4, every township that does not form part of a school division is a township school area.

- (2) The council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,
- (a) add all or part of a school section in territory without municipal organization to the township school area; or
  - (b) detach any portion of the township school area and attach such portion to another township school area,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization by the board of the school section and in other cases by the councils of the other municipalities concerned.

Effective  
date of  
by-law

- (3) A by-law passed under subsection 2 comes into force on the 1st day of January after it is approved by the

SECTION 2. With the establishment of school divisions, provisions for the maintenance, formation and alteration of township school areas are needed only for those parts of the territorial districts which are not included in a school division. The provisions are, therefore, amended accordingly.

SECTION 3. This amendment is to allow all boards of school sections in a territorial district that are not parts of a school division to issue debentures in the same manner as divisional boards.

SECTION 4. The amendment is to make it clear that subsection 1 applies only to a board of a school section that comprises only territory without municipal organization.

Minister, except that for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

(4) Where,

Newly  
incorporated  
muni-  
cipalities

- (a) a part of a township school area becomes incorporated as a municipality, the municipality so incorporated shall continue to form part of the township school area; or
- (b) parts of two or more township school areas become incorporated as a municipality, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

(5) All rights and claims arising under this section shall be adjusted as provided in section 42.

Adjustment  
of claims

(6) Where a township school area includes part or all of two or more municipalities, the sums required by the board shall be apportioned among such municipalities or parts in the same manner as such sums are apportioned in a school division under subsection 3 of section 86 of *The Secondary Schools and Boards of Education Act*. R.S.O. 1960, c. 362

**3.** Subsection 1 of section 60 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 60, as amended by section 15 of *The Public Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(1) The board of a school section in the territorial districts that does not form part of a school division has the same powers in respect of the issue, sale and hypothecation of debentures as a divisional board of education, and subsections 1 and 1a of section 89 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, provided that the issue of debentures by the board of a school section that comprises only territory without municipal organization has been sanctioned at a special meeting of the ratepayers of the school section.

**4.** Subsection 1 of section 61 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 61, as amended by section 6 of *The Public Schools Amendment Act, 1960-61*, is further amended by inserting after "section"

in the first line "that comprises only territory without municipal organization", so that the subsection shall read as follows:

Appointment  
and duties of  
school  
collector

- (1) The board of a school section that comprises only territory without municipal organization may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

R.S.O. 1960,  
c. 330, s. 63,  
repealed

**5.** Section 63 of *The Public Schools Act*, as amended by section 39 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 330, s. 69,  
re-enacted

**6.** Section 69 of *The Public Schools Act*, as amended by section 42 of *The Public Schools Amendment Act, 1966* and section 13 of *The Public Schools Amendment Act, 1967*, is repealed and the following substituted therefor:

Levy of  
sums  
required  
by boards

- 69.—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards in such instalments and at such times as are provided in section 88 of *The Secondary Schools and Boards of Education Act*, which section applies *mutatis mutandis*.

R.S.O. 1960,  
c. 362

Sums payable  
to board

- (2) The sums payable by a municipality to the board of a school section are payable out of moneys raised or to be raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

Muni-  
cipal-  
ity to  
account for  
moneys

- (3) The council of each municipality shall annually account for all moneys collected for public school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum

**SECTION 5.** Section 63 is no longer required in view of the amendment to section 60 and the provision in Part VI of *The Secondary Schools and Boards of Education Act* for divisional boards of education to raise their own debentures.

**SECTION 6.** Section 69 is revised to provide that the moneys raised for school purposes shall be paid over to the board in instalments in the same manner as such moneys are required to be paid over to divisional boards of education and to make it clear that the instalments are payable on the specified dates whether or not the tax moneys have yet been collected.

SECTION 7. This section is now obsolete as there are no longer county or district school areas and township school areas are dealt with in section 3 of this Bill.

is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

**7.** Section 77 of *The Public Schools Act*, as re-enacted by R.S.O. 1960,  
c. 330, s. 77  
section 45 of *The Public Schools Amendment Act, 1966*, 1966, c. 129,  
(1966, c. 129,  
s. 45),  
repealed

**8.**—(1) This Act, except sections 1, 3, 5 and 6, comes <sup>Commencement</sup> into force on the day it receives Royal Assent.

(2) Sections 1, 3, 5 and 6 come into force on the 1st day <sup>Idem</sup> of January, 1972.

**9.** This Act may be cited as *The Public Schools Amendment* <sup>Short title</sup> *Act, 1971.*

An Act to amend  
The Public Schools Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

THE HON. R. WELCH  
Minister of Education

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(*Government Bill*)

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**BILL 103**

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Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Public Schools Act**

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THE HON. R. WELCH  
Minister of Education

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 103****1971****An Act to amend The Public Schools Act**

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) Subsection 8 of section 6 of *The Public Schools Act*, R.S.O. 1960,  
as re-enacted by subsection 5 of section 2 of *The Public Schools  
Amendment Act, 1965*, is repealed and the following substi-  
tuted therefor:

(8) A child who is a ward of a children's aid society or  
who is in the care of a children's aid society shall be admitted,  
without the payment of a fee, to a public school operated by the board of the school section in  
which the child resides. Admission of  
ward, etc.,  
of children's  
aid society

(2) Subsection 8a of the said section 6, as enacted by sub- R.S.O. 1960,  
section 5 of section 2 of *The Public Schools Amendment Act*, c. 330, s. 6,  
1965, is repealed. c. 330, s. 6,  
subs. 8a  
(1965, c. 109,  
s. 2, subs. 5),  
re-enacted

(3) Subsections 10 and 11 of the said section 6 are repealed R.S.O. 1960,  
and the following substituted therefor: c. 330, s. 6,  
subs. 10, 11,  
re-enacted

(10) Where a parent or guardian wishes to enroll his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section, Admission  
of non-  
resident  
pupil, where  
parent  
assessed in  
section

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, c. 669, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school

purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year, the child shall be admitted to a public school operated by the board of that school section without the payment of a fee.

Resident on  
land exempt  
from  
taxation

- (11) A child who is otherwise qualified to attend a public school and who resides on land that is exempt from taxation for school purposes shall be admitted to a public school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the child in the school for the current year, and fees as determined under section 100a of *The Schools Administration Act*, except where the regulations provide otherwise in respect of such fees, shall be prepaid monthly by the child or by his parent or guardian.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 330, s. 40  
(1964, c. 95,  
s. 6),  
re-enacted

**2.** Section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, and amended by section 11 of *The Public Schools Amendment Act, 1965*, section 23 of *The Public Schools Amendment Act, 1966* and section 5 of *The Public Schools Amendment Act, 1967*, is repealed and the following substituted therefor:

Township  
school areas

40.—(1) Subject to subsections 2, 3 and 4, every township that does not form part of a school division is a township school area.

Alteration  
of areas

- (2) The council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,
- (a) add all or part of a school section in territory without municipal organization to the township school area; or
  - (b) detach any portion of the township school area and attach such portion to another township school area,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization by the board of the school section and in other cases by the councils of the other municipalities concerned.

Effective  
date of  
by-law

- (3) A by-law passed under subsection 2 comes into force on the 1st day of January after it is approved by the

Minister, except that for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

(4) Where,

Newly incorporated municipalities

(a) a part of a township school area becomes incorporated as a municipality, the municipality so incorporated shall continue to form part of the township school area; or

(b) parts of two or more township school areas become incorporated as a municipality, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

(5) All rights and claims arising under this section shall be adjusted as provided in section 42.

Adjustment of claims

(6) Where a township school area includes part or all of two or more municipalities, the sums required by the board shall be apportioned among such municipalities or parts in the same manner as such sums are apportioned in a school division under subsection 3 of section 86 of *The Secondary Schools and Boards of Education Act*.<sup>R.S.O. 1960, c. 362</sup>

Apportionment of costs where more than one municipality in area

**3.** Subsection 1 of section 60 of *The Public Schools Act*,<sup>R.S.O. 1960, c. 330, s. 60, subs. 1, re-enacted</sup> as amended by section 15 of *The Public Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(1) The board of a school section in the territorial districts that does not form part of a school division has the same powers in respect of the issue, sale and hypothecation of debentures as a divisional board of education, and subsections 1 and 1a of section 89 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*,<sup>R.S.O. 1960, c. 362</sup> provided that the issue of debentures by the board of a school section that comprises only territory without municipal organization has been sanctioned at a special meeting of the ratepayers of the school section.

**4.** Subsection 1 of section 61 of *The Public Schools Act*,<sup>R.S.O. 1960, c. 330, s. 61, subs. 1, amended</sup> as amended by section 6 of *The Public Schools Amendment Act, 1960-61*, is further amended by inserting after "section"

in the first line "that comprises only territory without municipal organization", so that the subsection shall read as follows:

Appointment  
and duties of  
school  
collector

- (1) The board of a school section that comprises only territory without municipal organization may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

R.S.O. 1960,  
c. 330, s. 63,  
repealed

**5.** Section 63 of *The Public Schools Act*, as amended by section 39 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 330, s. 69,  
re-enacted

**6.** Section 69 of *The Public Schools Act*, as amended by section 42 of *The Public Schools Amendment Act, 1966* and section 13 of *The Public Schools Amendment Act, 1967*, is repealed and the following substituted therefor:

Levy of  
sums  
required  
by boards

- 69.—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards in such instalments and at such times as are provided in section 88 of *The Secondary Schools and Boards of Education Act*, which section applies *mutatis mutandis*.

R.S.O. 1960,  
c. 249

R.S.O. 1960,  
c. 362

Sums payable  
to board

- (2) The sums payable by a municipality to the board of a school section are payable out of moneys raised or to be raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

Muni-  
cipal-  
ity to  
account for  
moneys

- (3) The council of each municipality shall annually account for all moneys collected for public school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum

is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

**7.** Section 77 of *The Public Schools Act*, as re-enacted by R.S.O. 1960,  
c. 330, s. 77  
section 45 of *The Public Schools Amendment Act, 1966*, (1966, c. 129,  
s. 45),  
is repealed.  
repealed

**8.**—(1) This Act, except sections 1, 3, 5 and 6, comes <sup>Commencement</sup> into force on the day it receives Royal Assent.

(2) Sections 1, 3, 5 and 6 come into force on the 1st day <sup>Idem</sup> of January, 1972.

**9.** This Act may be cited as *The Public Schools Amendment* <sup>Short title</sup> *Act, 1971.*

An Act to amend  
The Public Schools Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 13th, 1971

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THE HON. R. WELCH  
Minister of Education

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**BILL 104**

**Government Bill**

56

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Department of Education Act**

THE HON. R. WELCH  
Minister of Education



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** This amendment makes the provisions of the section apply to enrolment for all purposes instead of to attendance for the recording thereof.

**SECTION 2.** The amendment is required to render the wording consistent with the use of average daily enrolment. References to "county pupils" and to "perfect aggregate daily attendance" have been deleted.

**SECTION 3.** Subsection 1. The amendment provides for the making of regulations in respect of evening classes.

**BILL 104****1971**

**An Act to amend  
The Department of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act*, <sup>R.S.O. 1960,  
c. 94, s. 5;</sup> amended 1964, section 1 of *The Department of Education Amendment Act*, 1966 and section 2 of *The Department of Education Amendment Act*, 1968-69, is further amended by striking out "For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils" in the first, second and third lines and in the amendment of 1968-69 and inserting in lieu thereof "The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils".

**2.** Subsection 2 of section 6 of *The Department of Education Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960,  
c. 94, s. 6,  
subs. 2;  
re-enacted</sup>

(2) Where a school or class is closed for a specified period under subsection 1, the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. <sup>Pupils  
deemed in  
attendance</sup>

**3.—(1)** Subsection 1 of section 12 of *The Department of Education Act*, as amended by section 3 of *The Department of Education Amendment Act*, 1964, section 3 of *The Department of Education Amendment Act*, 1966, section 1 of *The Department of Education Amendment Act*, 1967 and section 2 of *The Department of Education Amendment Act*, 1968, is further amended by adding thereto the following paragraph: <sup>R.S.O. 1960,  
c. 94, s. 12,  
subs. 1;  
amended</sup>

2a. defining and governing evening classes.

evening  
classes

R.S.O. 1960,  
c. 94, s. 12,  
subs. 1,  
par. 9,  
amended

(2) Paragraph 9 of subsection 1 of the said section 12 is amended by adding at the end thereof "and letters of standing", so that the paragraph shall read as follows:

certificates  
and letters  
of standing

9. governing the granting of permanent, temporary, interim, special and other certificates of qualification, and letters of standing.

R.S.O. 1960,  
c. 94, s. 12,  
subs. 4, cl. b,  
amended

(3) Clause *b* of subsection 4 of the said section 12 is amended by striking out "governing the renewal of municipal recreation directors' interim certificates" in the third and fourth lines and inserting in lieu thereof "arena managers' certificates", so that the clause shall read as follows:

(*b*) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates.

R.S.O. 1960,  
c. 94, s. 12,  
subs. 4, cl. c,  
subcl. 1,  
re-enacted

(4) Subclause *i* of clause *c* of subsection 4 of the said section 12 is repealed and the following substituted therefor:

(i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister.

R.S.O. 1960,  
c. 94, s. 12,  
subs. 5,  
re-enacted

(5) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

Interpre-  
tation

(5) In subsection 4,

(*a*) "physical education" includes recreation for crippled persons under the age of nineteen years; and

(*b*) "programs of recreation" include arena management.

R.S.O. 1960,  
c. 94, s. 14a  
(1965, c. 28,  
s. 1),  
repealed

4. Section 14a of *The Department of Education Act*, as enacted by section 1 of *The Department of Education Amendment Act, 1965* and amended by section 5 of *The Department of Education Amendment Act, 1968-69*, is repealed.

R.S.O. 1960,  
c. 94,  
amended

5. *The Department of Education Act* is amended by adding thereto the following section:

Subsection 2. The amendment provides for the making of regulations in respect of the granting of letters of standing.

Subsection 3. Provision is made for regulations relating to arena managers' certificates.

Subsection 4. Regulations may be made to permit recreation committees to be set up not only by municipalities, but also by counties or by district or regional municipalities. Provision is made for joint recreation committees.

Subsection 5. The amendment is to provide that "programs of recreation" shall include arena management in subsection 4.

SECTION 4. The provisions respecting colleges of applied arts and technology are transferred to the Department of Colleges and Universities. See Bill 98.

SECTION 5. The new section is required to authorize changes to be made in the administration of certain scholarships and awards.



20.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 23 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

Variation  
of scholar-  
ships and  
awards  
R.S.O. 1960,  
c. 142

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;
- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and conditions is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

- (2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued

Where award  
is repayable  
loan

thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*.

Commencement **6.**—(1) This Act, except sections 1, 2 and 4, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of January, 1971.

Idem (3) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **7.** This Act may be cited as *The Department of Education Amendment Act, 1971*.







**BILL 10\***

An Act to amend  
The Department of Education Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. R. WELCH  
Minister of Education

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(*Government Bill*)

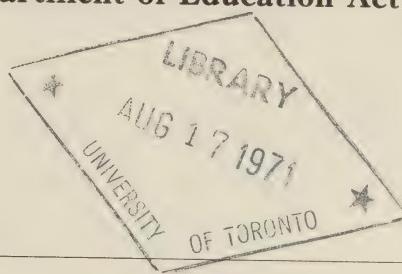
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BILL 104

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Department of Education Act**



THE HON. R. WELCH  
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 104****1971**

**An Act to amend  
The Department of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Department of Education Act*, as amended R.S.O. 1960.  
by section 1 of *The Department of Education Amendment Act*, c. 94, s. 5, amended

*1964*, section 1 of *The Department of Education Amendment Act, 1966* and section 2 of *The Department of Education Amendment Act, 1968-69*, is further amended by striking out “For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils” in the first, second and third lines and in the amendment of 1968-69 and inserting in lieu thereof “The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils”.

**2.** Subsection 2 of section 6 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 94, s. 6,  
subs. 2,  
re-enacted

(2) Where a school or class is closed for a specified period Pupils  
under subsection 1, the pupils in such school or class deemed in  
shall for all purposes, including the calculation of attendance  
general legislative grants and fees, be deemed to be  
in attendance.

**3.—(1)** Subsection 1 of section 12 of *The Department of Education Act*, as amended by section 3 of *The Department of Education Amendment Act, 1964*, section 3 of *The Department of Education Amendment Act, 1966*, section 1 of *The Department of Education Amendment Act, 1967* and section 2 of *The Department of Education Amendment Act, 1968*, is R.S.O. 1960,  
c. 94, s. 12,  
subs. 1,  
amended  
further amended by adding thereto the following paragraph:

**2a.** defining and governing evening classes.

evening  
classes

R.S.O. 1960,  
c. 94, s. 12,  
subs. 1,  
par. 9,  
amended

certificates  
and letters  
of standing

R.S.O. 1960,  
c. 94, s. 12,  
subs. 4, cl. b,  
amended

R.S.O. 1960,  
c. 94, s. 12,  
subs. 4, cl. c,  
subcl. 1,  
re-enacted

Interpre-  
tation

R.S.O. 1960,  
c. 94, s. 14a  
(1965, c. 28,  
s. 1),  
repealed

R.S.O. 1960,  
c. 94,  
amended

(2) Paragraph 9 of subsection 1 of the said section 12 is amended by adding at the end thereof "and letters of standing", so that the paragraph shall read as follows:

9. governing the granting of permanent, temporary, interim, special and other certificates of qualification, and letters of standing.

(3) Clause *b* of subsection 4 of the said section 12 is amended by striking out "governing the renewal of municipal recreation directors' interim certificates" in the third and fourth lines and inserting in lieu thereof "arena managers' certificates", so that the clause shall read as follows:

(*b*) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates.

(4) Subclause *i* of clause *c* of subsection 4 of the said section 12 is repealed and the following substituted therefor:

(i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister.

(5) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

(5) In subsection 4,

(*a*) "physical education" includes recreation for crippled persons under the age of nineteen years; and

(*b*) "programs of recreation" include arena management.

**4.** Section 14a of *The Department of Education Act*, as enacted by section 1 of *The Department of Education Amendment Act, 1965* and amended by section 5 of *The Department of Education Amendment Act, 1968-69*, is repealed.

**5.** *The Department of Education Act* is amended by adding thereto the following section:

20.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 23 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;
- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and conditions is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

- (2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued

thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*.

Commencement **6.**—(1) This Act, except sections 1, 2 and 4, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of January, 1971.

Idem (3) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **7.** This Act may be cited as *The Department of Education Amendment Act, 1971*.



**BILL 10\***

An Act to amend  
The Department of Education Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. R. WELCH  
Minister of Education

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**BILL 105**

Government  
Public  
Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Schools Administration Act**

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THE HON. R. WELCH  
Minister of Education

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TORONTO

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#### **EXPLANATORY NOTES**

**SECTION 1.** Subsection 1. The amendment provides for determining average daily enrolment from the enrolments on the last school days in the months of January, April and September.

**BILL 105****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 1 of *The Schools Administration Act*, as amended by section 1 of *The Schools Administration Amendment Act, 1961-62*, section 1 of *The Schools Administration Amendment Act, 1966*, section 1 of *The Schools Administration Amendment Act, 1967*, section 1 of *The Schools Administration Amendment Act, 1968* and section 1 of *The Schools Administration Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

**1a.** “average daily enrolment” for a calendar year means the number obtained by adding,

i. the sum of,

- a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,
- b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,
- c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April, and
- d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September, and

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,
- b. ascertaining the sum of the products obtained under sub subparagraph a,
- c. subtracting from the sum obtained under sub subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and
- d. dividing the result obtained under subparagraph c by the number of school days in the calendar year.

(2) Paragraph 24 of subsection 2 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 24  
(1968-69,  
c. 114, s. 1,  
subs. 2),  
repealed

R.S.O. 1960,  
c. 361, s. 17,  
subs. 1,  
amended

**2.**—(1) Subsection 1 of section 17 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1968-69*, is further amended by striking out “and the teacher’s salary shall be payable in ten monthly payments in the manner provided therein” in the ninth, tenth and eleventh lines, so that the subsection shall read as follows:

Memorandum  
of contract

(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher.

Subsection 2. The definition of "perfect aggregate attendance" is no longer required and is, therefore, deleted.

SECTION 2. Subsection 1. Reference to the number of payments of a teacher's salary is deleted so that the teacher may be paid in the same number of payments as are received by the other teachers of a board who are employed on permanent contracts.

Subsection 2. This amendment will allow the action to be heard in the division provided for in *The Small Claims Courts Act* and is complementary to the repeal of section 18 in section 3 of this Bill.

SECTION 3. This amendment removes the Minister from the process of making an appeal in respect of a decision made in the small claims court under subsection 8 of section 17. Appeals from decisions in the small claims court are provided for in *The Small Claims Courts Act*.

SECTION 4. Subsection 1. The classes of securities in which boards may invest moneys not immediately required are broadened.

Subsections 2 and 3. Provision is made to collect fees by action in the small claims court and the provision for exclusion of a pupil is transferred from paragraph 22 as being more appropriate in paragraph 19.

(2) Subsection 8 of the said section 17 is repealed and the following substituted therefor:

(8) All matters of difference between boards and teachers with regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the small claims court.

**3.** Section 18 of *The Schools Administration Act* is repealed.

**4.—(1)** Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968* and amended by subsection 1 of section 4 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

16a. invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality by way of promissory note of the municipality, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested.

(2) Paragraph 19 of the said section 35 is amended by adding at the end thereof "by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice", so that the paragraph shall read as follows:

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice.

R.S.O. 1960,  
c. 361, s. 35,  
par. 22,  
amended

(3) Paragraph 22 of the said section 35 is amended by striking out "and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice" in the third, fourth, fifth and sixth lines, so that the paragraph shall read as follows:

expel  
pupils

22. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils.

R.S.O. 1960,  
c. 361, s. 35,  
par. 38  
(1967, c. 90,  
s. 9, subs. 3),  
re-enacted

(4) Paragraph 38 of the said section 35, as enacted by subsection 3 of section 9 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

assumption  
of treatment  
centres, etc.

38. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 1,  
amended

**5.—(1)** Subsection 1 of section 35c of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1967*, is amended by striking out "subsection 1 of" in the sixth line.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 2,  
amended

(2) Subsection 2 of the said section 35c is amended by striking out "subsection 1 of" in the eighth line.

R.S.O. 1960,  
c. 361, s. 37,  
subs. 1,  
re-enacted

**6.—(1)** Subsection 1 of section 37 of *The Schools Administration Act* is repealed and the following substituted therefor:

Transporta-  
tion of  
pupils

(1) A board may provide for a resident pupil, or for a person who is qualified to be a resident pupil, transportation to and from,

(a) a school that the board operates;

(b) a school operated by another board to which the board pays fees in respect of such pupil;

(c) the Ontario School for the Blind;

Subsection 4. Paragraph 38 is extended to include hospital and sanatorium schools.

SECTION 5. The amendment changes a reference so that the fees under section 35c may be determined in accordance with the appropriate subsection of section 100a of *The Schools Administration Act*.

SECTION 6. Subsection 1. Clauses *c* to *f* are new and permit a board to transport pupils to and from special schools.

Subsection 2. The new subsection will allow the transportation of pupils living in territory without municipal organization to a secondary school to be provided not only by an elementary school board as in subsections 2a and 2b but also by a secondary school board.

SECTION 7. Certain duties of supervisory officers are revised in view of the formation of larger units.

SECTION 8. The amendment is to make it clear that the licence fees payable to a board under this section are not part of the annual sums required by the board.

SECTION 9. This amendment permits a board to authorize the vice-chairman and treasurer as well as the chairman and treasurer to borrow for current expenditures.

- (d) an Ontario School for the Deaf;
  - (e) an Ontario Hospital School; and
  - (f) a children's mental health centre established under *The Children's Mental Health Centres Act, 1968-69.* R.S.O. 1960, c. 361, s. 37, c. 10
- (2) The said section 37 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 37, amended

- (2c) A secondary school board may furnish transportation Idem for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board.

**7.** Clauses *c* and *d* of subsection 1 of section 84 of *The Schools Administration Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 84, subs. 1, cls. c, d, re-enacted

- (c) to visit schools and classrooms as the Minister may direct and, where a supervisory officer has been appointed by the board and approved by the Minister, as the board may direct; visit schools
- (d) to prepare a report of a visit to a school or classroom when required by the Minister, and, where a supervisory officer has been appointed by the board and approved by the Minister, when required by the board. prepare reports

**8.** Section 97 of *The Schools Administration Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 97, amended

- (4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected. Licence fees not part of annual rates

**9.** Subsection 1 of section 100 of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63*, is amended by striking out "chairman and secretary-treasurer" in the third line and inserting in lieu thereof "treasurer and the chairman or vice-chairman", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 100 (1962-63), c. 129, s. 4, subs. 1, amended

Current  
borrowings

- (1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 1  
(1968-69,  
c. 114, s. 13,  
subs. 1),  
cl. b,  
re-enacted

**10.**—(1) Clause *b* of subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,
  - (i) legislative grants,
  - (ii) taxation,
  - (iii) tuition fees,
  - (iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 14 of subsection 1 of section 12 of *The Department of Education Act*,
  - (v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and
  - (vi) transfers from reserve funds and from reserves for working funds.

R.S.O. 1960,  
c. 94

R.S.O. 1960,  
c. 361,  
s. 100a,  
subs. 1a  
(1968-69, c. 114,  
s. 13, subs. 1),  
repealed

- (2) Subsection 1a of the said section 100a, as enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. a,  
amended

- (3) Clause *a* of subsection 2 of the said section 100a, as re-enacted by subsection 2 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is amended by adding at the end thereof “but such ratio shall not be less than one”.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. b,  
amended

- (4) Clause *b* of subsection 2 of the said section 100a is amended by adding at the end thereof “but such ratio shall not be less than one”.

**SECTION 10.** Subsection 1. The amendment spells out in more detail the types of revenue that are excluded from the calculation of revenue for the purpose of determining fees.

Subsection 2. The definition of average daily enrolment is now included in section 1.

Subsections 3 and 4. The purpose of the amendment is to prevent the fee, in the case of special education classes where the recommended maximum enrolment exceeds that provided in clauses *a* and *b*, from being less than that which may be charged for a regular pupil.

Subsection 5. The subsection is re-enacted to provide that fees in respect of a trainable retarded child shall not be greater than twice the fees for a secondary school pupil.

SECTION 11. The amendments permit an under-requisition, over-requisition, under-levy or over-levy to be adjusted in the year next following its discovery or over a two- or three-year period.

(5) Subsection 3 of the said section 100a, as re-enacted by subsection 3 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 3  
(1968-69,  
c. 114, s. 13,  
subs. 3),  
re-enacted

- (3) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsection 2 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten.

**11.** Subsection 2 of section 100b of *The Schools Administration Act*, as enacted by section 14 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100b  
(1968-69,  
c. 114, s. 14),  
subs. 2,  
re-enacted

- (2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

- (a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality by subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act* or by subsection 3 of section 74 of *The Separate Schools Act*, in a year,

R.S.O. 1960,  
cc. 362, 368

differs from,

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of the Act under which the board operates, after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

Levy for  
difference

- (3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof.

R.S.O. 1960,  
c. 361, s. 106  
(1964, c. 105,  
s. 11), subs. 1,  
amended

**12.** Subsection 1 of section 106 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "municipality" in the first line "except a municipality in a school division", so that the subsection shall read as follows:

Withholding  
of debenture  
levy

- (1) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Commencement

**13.**—(1) This Act, except section 1, subsection 4 of section 4, sections 5, 8, 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 4 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Sections 1, 5, 8, 10 and 11 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

**14.** This Act may be cited as *The Schools Administration Amendment Act, 1971*.

**SECTION 12.** The amendment is to remove a conflict with section 89 of *The Secondary Schools and Boards of Education Act*.





# **BILL 105**

An Act to amend  
The Schools Administration Act

*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

THE HON. R. WELCH  
Minister of Education

(*Government Bill*)

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**BILL 105**

Government Bill

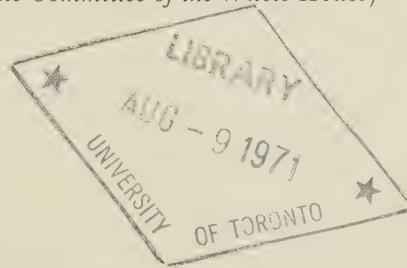
4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

Government  
Publications

**An Act to amend The Schools Administration Act**

THE HON. R. WELCH  
Minister of Education

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** Subsection 1. The amendment provides for determining average daily enrolment from the enrolments on the last school days in the months of January, April and September.

**BILL 105****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 1 of *The Schools Administration Act*, as amended by section 1 of *The Schools Administration Amendment Act, 1961-62*, section 1 of *The Schools Administration Amendment Act, 1966*, section 1 of *The Schools Administration Amendment Act, 1967*, section 1 of *The Schools Administration Amendment Act, 1968* and section 1 of *The Schools Administration Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph:

1a. “average daily enrolment” for a calendar year means the number obtained by adding,

i. the sum of,

a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,

b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,

c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April, and

d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September, and

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,
- b. ascertaining the sum of the products obtained under sub subparagraph a,
- c. subtracting from the sum obtained under sub subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and
- d. dividing the result obtained under subparagraph c by the number of school days in the calendar year.

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 24  
(1968-69,  
c. 114, s. 1,  
subs. 2),  
repealed

R.S.O. 1960,  
c. 361, s. 17,  
subs. 1,  
amended

(2) Paragraph 24 of subsection 2 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

**2.—(1)** Subsection 1 of section 17 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1968-69*, is further amended by striking out “and the teacher’s salary shall be payable in ten monthly payments in the manner provided therein” in the ninth, tenth and eleventh lines, so that the subsection shall read as follows:

Memorandum  
of contract

(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher.

R.S.O. 1960,  
c. 361, s. 17,  
subs. 8,  
repealed

**(2)** Subsection 8 of the said section 17 is repealed.

R.S.O. 1960,  
c. 361, s. 18,  
repealed

**3.** Section 18 of *The Schools Administration Act* is repealed.

Subsection 2. The definition of "perfect aggregate attendance" is no longer required and is, therefore, deleted.

SECTION 2. Subsection 1. Reference to the number of payments of a teacher's salary is deleted so that the teacher may be paid in the same number of payments as are received by the other teachers of a board who are employed on permanent contracts.

Subsection 2. Matters of difference between boards and teachers in regard to salaries are now determined in the small claims court. The repeal of subsection 8 will permit the action to be brought in the appropriate court having jurisdiction.

SECTION 3. This amendment removes the Minister from the process of making an appeal in respect of a decision made by a court under section 17.

SECTION 5. Subsection 1. The classes of securities in which boards may invest moneys not immediately required are broadened.

Subsections 2 and 3. Provision is made to collect fees by action in the small claims court and the provision for exclusion of a pupil is transferred from paragraph 22 as being more appropriate in paragraph 19.

 4. Section 27 of *The Schools Administration Act*, as amended R.S.O. 1960, c. 361, s. 27, by section 3 of *The Schools Administration Amendment Act*, amended 1968-69, is further amended by adding thereto the following subsection:

(1a) Where, under subsection 1, a judge is directed <sup>Direction to judge</sup> after the expiry of the thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the direction within the thirty day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1.

5.—(1) Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 R.S.O. 1960, c. 361, s. 35, par. 16a (1968, c. 121, s. 8, subs. 1), re-enacted of *The Schools Administration Amendment Act*, 1968 and subsection 1 of section 4 of *The Schools Administration Amendment Act*, 1968-69, is repealed and the following substituted therefor:

16a. invest moneys not required immediately by the <sup>idem</sup> board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality by way of promissory note of the municipality, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested.

(2) Paragraph 19 of the said section 35 is amended by R.S.O. 1960, c. 361, s. 35, par. 19, amended adding at the end thereof “by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice”, so that the paragraph shall read as follows:

19. subject to the provisions of this Act and the <sup>student fees</sup> Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice.

R.S.O. 1960,  
c. 361, s. 35,  
par. 22,  
amended

(3) Paragraph 22 of the said section 35 is amended by striking out "and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice" in the third, fourth, fifth and sixth lines, so that the paragraph shall read as follows:

expel  
pupils

22. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils.

R.S.O. 1960,  
c. 361, s. 35,  
par. 38  
(1967, c. 90,  
s. 9, subs. 3),  
re-enacted

(4) Paragraph 38 of the said section 35, as enacted by subsection 3 of section 9 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

assumption  
of treatment  
centres, etc.

38. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 35c of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1967*, is amended by striking out "subsection 1 of" in the sixth line.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 2,  
amended

(2) Subsection 2 of the said section 35c is amended by striking out "subsection 1 of" in the eighth line.

R.S.O. 1960,  
c. 361, s. 37,  
subs. 1,  
re-enacted

**7.**—(1) Subsection 1 of section 37 of *The Schools Administration Act* is repealed and the following substituted therefor:

Transporta-  
tion of  
pupils

(1) A board may provide for a resident pupil, or for a person who is qualified to be a resident pupil, transportation to and from,

(a) a school that the board operates;

(b) a school operated by another board to which the board pays fees in respect of such pupil;

(c) the Ontario School for the Blind;

Subsection 4. Paragraph 38 is extended to include hospital and sanatorium schools.

SECTION 6. The amendment changes a reference so that the fees under section 35c may be determined in accordance with the appropriate subsection of section 100a of *The Schools Administration Act*.

SECTION 7. Subsection 1. Clauses *c* to *f* are new and permit a board to transport pupils to and from special schools.

Subsection 2. The new subsection will allow the transportation of pupils living in territory without municipal organization to a secondary school to be provided not only by an elementary school board as in subsections 2a and 2b but also by a secondary school board.

SECTION 8. Certain duties of supervisory officers are revised in view of the formation of larger units.

SECTION 9. The amendment is to make it clear that the licence fees payable to a board under this section are not part of the annual sums required by the board.

SECTION 10. This amendment permits a board to authorize the vice-chairman and treasurer as well as the chairman and treasurer to borrow for current expenditures.

- (d) an Ontario School for the Deaf;
  - (e) an Ontario Hospital School; and
  - (f) a children's mental health centre established under *The Children's Mental Health Centres Act, 1968-69.* <sup>R.S.O. 1960, c. 361, s. 10, amended</sup>
- (2) The said section 37 is amended by adding thereto <sup>R.S.O. 1960, c. 361, s. 37, amended</sup> the following subsection:
- (2c) A secondary school board may furnish transportation <sup>Idem</sup> for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board.
- 8.** Clauses *c* and *d* of subsection 1 of section 84 of *The Schools Administration Act* are repealed and the following <sup>R.S.O. 1960, c. 361, s. 84, subs. 1, cls. c, d, re-enacted</sup> substituted therefor:
- (c) to visit schools and classrooms as the Minister may direct and, where a supervisory officer has been appointed by the board and approved by the Minister, as the board may direct; <sup>visit schools</sup>
  - (d) to prepare a report of a visit to a school or <sup>prepare reports</sup> classroom when required by the Minister, and, where a supervisory officer has been appointed by the board and approved by the Minister, when required by the board.
- 9.** Section 97 of *The Schools Administration Act* is amended <sup>R.S.O. 1960, c. 361, s. 97, amended</sup> by adding thereto the following subsection:
- (4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected. <sup>Licence fees not part of annual rates</sup>
- 10.** Subsection 1 of section 100 of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63,* is amended by striking out "chairman and secretary-treasurer" in the third line and inserting in lieu thereof "treasurer and the chairman or vice-chairman", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 361, s. 100 (1962-63, c. 129, s. 4), subs. 1, amended</sup>

Current  
borrowings

- (1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 1  
(1968-69,  
c. 114, s. 13,  
subs. 1),  
cl. b,  
re-enacted

**11.**—(1) Clause *b* of subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,
- (i) legislative grants,
  - (ii) taxation,
  - (iii) tuition fees,
  - (iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 14 of subsection 1 of section 12 of *The Department of Education Act*,
  - (v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and
  - (vi) transfers from reserve funds and from reserves for working funds.

R.S.O. 1960,  
c. 94

(2) Subsection 1a of the said section 100a, as enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. a,  
amended

(3) Clause *a* of subsection 2 of the said section 100a, as re-enacted by subsection 2 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is amended by adding at the end thereof “but such ratio shall not be less than one”.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. b,  
amended

(4) Clause *b* of subsection 2 of the said section 100a is amended by adding at the end thereof “but such ratio shall not be less than one”.

**SECTION 11.** Subsection 1. The amendment spells out in more detail the types of revenue that are excluded from the calculation of revenue for the purpose of determining fees.

Subsection 2. The definition of average daily enrolment is now included in section 1.

**Subsections 3 and 4.** The purpose of the amendment is to prevent the fee, in the case of special education classes where the recommended maximum enrolment exceeds that provided in clauses *a* and *b*, from being less than that which may be charged for a regular pupil.

Subsection 5. The subsection is re-enacted to provide that fees in respect of a trainable retarded child shall not be greater than twice the fees for a secondary school pupil.

SECTION 12. The amendments permit an under-requisition, over-requisition, under-levy or over-levy to be adjusted in the year next following its discovery or over a two- or three-year period.

(5) Subsection 3 of the said section 100a, as re-enacted by subsection 3 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 3  
(1968-69,  
c. 114, s. 13,  
subs. 3),  
re-enacted

- (3) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsection 2 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten.

**12.** Subsection 2 of section 100b of *The Schools Administration Act*, as enacted by section 14 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100b  
(1968-69,  
c. 114, s. 14),  
subs. 2,  
re-enacted

- (2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

- (a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality by subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act* or by subsection 3 of section 74 of *The Separate Schools Act*, in a year,

R.S.O. 1960,  
cc. 362, 368

differs from,

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of the Act under which the board operates, after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

Levy for  
difference

- (3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof.

R.S.O. 1960,  
c. 361, s. 106  
(1964, c. 105,  
s. 11), subs. 1,  
amended

**13.** Subsection 1 of section 106 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "municipality" in the first line "except a municipality in a school division", so that the subsection shall read as follows:

Withholding  
of debenture  
levy

- (1) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Commencement

**14.**—(1) This Act, except sections 1 and 4, subsection 4 of section 5, sections 6, 9, 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 5 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Sections 1, 4, 6, 9, 11 and 12 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

**15.** This Act may be cited as *The Schools Administration Amendment Act, 1971*.

SECTION 13. The amendment is to remove a conflict with section 89 of *The Secondary Schools and Boards of Education Act*.





An Act to amend  
The Schools Administration Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

THE HON. R. WELCH  
Minister of Education

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(Reprinted as amended by the  
Committee of the Whole House)

**BILL 105**

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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Schools Administration Act**

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THE HON. R. WELCH  
Minister of Education

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TORONTO

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**BILL 105****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 1 of *The Schools Administration Act*, as amended by section 1 of *The Schools Administration Amendment Act, 1961-62*, section 1 of *The Schools Administration Amendment Act, 1966*, section 1 of *The Schools Administration Amendment Act, 1967*, section 1 of *The Schools Administration Amendment Act, 1968* and section 1 of *The Schools Administration Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

**1a.** “average daily enrolment” for a calendar year means the number obtained by adding,

i. the sum of,

- a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,
- b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,
- c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April, and
- d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September, and

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,
- b. ascertaining the sum of the products obtained under sub subparagraph a,
- c. subtracting from the sum obtained under sub subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and
- d. dividing the result obtained under sub subparagraph c by the number of school days in the calendar year.

R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 24  
(1968-69,  
c. 114, s. 1,  
subs. 2),  
repealed

R.S.O. 1960,  
c. 361, s. 17,  
subs. 1,  
amended

(2) Paragraph 24 of subsection 2 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

**2.—(1)** Subsection 1 of section 17 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1968-69*, is further amended by striking out “and the teacher’s salary shall be payable in ten monthly payments in the manner provided therein” in the ninth, tenth and eleventh lines, so that the subsection shall read as follows:

Memorandum  
of contract

(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher.

R.S.O. 1960,  
c. 361, s. 17,  
subs. 8,  
repealed

R.S.O. 1960,  
c. 361, s. 18,  
repealed

(2) Subsection 8 of the said section 17 is repealed.

**3.** Section 18 of *The Schools Administration Act* is repealed.

**4.** Section 27 of *The Schools Administration Act*, as amended by section 3 of *The Schools Administration Amendment Act*, 1968-69, is further amended by adding thereto the following subsection:

(1a) Where, under subsection 1, a judge is directed after the expiry of the thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the direction within the thirty day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1.

**5.**—(1) Paragraph 16a of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968* and amended by subsection 1 of section 4 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

16a. invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality by way of promissory note of the municipality, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested.

(2) Paragraph 19 of the said section 35 is amended by adding at the end thereof "by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice", so that the paragraph shall read as follows:

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice.

R.S.O. 1960,  
c. 361, s. 35,  
par. 22,  
amended

(3) Paragraph 22 of the said section 35 is amended by striking out "and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice" in the third, fourth, fifth and sixth lines, so that the paragraph shall read as follows:

expel  
pupils

22. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils.

R.S.O. 1960,  
c. 361, s. 35,  
par. 38  
(1967, c. 90,  
s. 9, subs. 3),  
re-enacted

(4) Paragraph 38 of the said section 35, as enacted by subsection 3 of section 9 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

assumption  
of treatment  
centres, etc.

38. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 35c of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1967*, is amended by striking out "subsection 1 of" in the sixth line.

R.S.O. 1960,  
c. 361, s. 35c  
(1967, c. 90,  
s. 11),  
subs. 2,  
amended

(2) Subsection 2 of the said section 35c is amended by striking out "subsection 1 of" in the eighth line.

R.S.O. 1960,  
c. 361, s. 37,  
subs. 1,  
re-enacted

**7.**—(1) Subsection 1 of section 37 of *The Schools Administration Act* is repealed and the following substituted therefor:

Transporta-  
tion of  
pupils

(1) A board may provide for a resident pupil, or for a person who is qualified to be a resident pupil, transportation to and from,

(a) a school that the board operates;

(b) a school operated by another board to which the board pays fees in respect of such pupil;

(c) the Ontario School for the Blind;

- (d) an Ontario School for the Deaf;
  - (e) an Ontario Hospital School; and
  - (f) a children's mental health centre established under *The Children's Mental Health Centres Act, 1968-69*,  
c. 10

(2) The said section 37 is amended by adding thereto R.S.O. 1960  
the following subsection : c. 361, s. 37,  
amended

(2c) A secondary school board may furnish transportation <sup>Idem</sup> for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board.

**8.** Clauses *c* and *d* of subsection 1 of section 84 of The Schools Administration Act are repealed and the following substituted therefor:

- (c) to visit schools and classrooms as the Minister may direct and, where a supervisory officer has been appointed by the board and approved by the Minister, as the board may direct;
- (d) to prepare a report of a visit to a school or classroom when required by the Minister, and, where a supervisory officer has been appointed by the board and approved by the Minister, when

**9.** Section 97 of *The Schools Administration Act* is amended R.S.O. 1960  
by adding thereto the following subsection:

(4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected.

**10.** Subsection 1 of section 100 of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63*, is amended by striking out "chairman and secretary-treasurer" in the third line and inserting in lieu thereof "treasurer and the chairman or vice-chairman", so that the subsection shall read as follows:

Current  
borrowings

- (1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 1  
(1968-69,  
c. 114, s. 13,  
subs. 1),  
cl. b,  
re-enacted

**11.**—(1) Clause *b* of subsection 1 of section 100a of *The Schools Administration Act*, as re-enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,
  - (i) legislative grants,
  - (ii) taxation,
  - (iii) tuition fees,
  - (iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 14 of subsection 1 of section 12 of *The Department of Education Act*,
  - (v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and
  - (vi) transfers from reserve funds and from reserves for working funds.

R.S.O. 1960,  
c. 94

R.S.O. 1960,  
c. 361,  
s. 100a,  
subs. 1a  
(1968-69, c. 114,  
s. 13, subs. 1),  
repealed

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. a,  
amended

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 2  
(1968-69,  
c. 114, s. 13,  
subs. 2),  
cl. b,  
amended

- (2) Subsection 1a of the said section 100a, as enacted by subsection 1 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed.

- (3) Clause *a* of subsection 2 of the said section 100a, as re-enacted by subsection 2 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is amended by adding at the end thereof “but such ratio shall not be less than one”.

- (4) Clause *b* of subsection 2 of the said section 100a is amended by adding at the end thereof “but such ratio shall not be less than one”.

(5) Subsection 3 of the said section 100a, as re-enacted by subsection 3 of section 13 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100a,  
subs. 3  
(1968-69,  
c. 114, s. 13,  
subs. 3),  
re-enacted

(3) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsection 2 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten.

**12.** Subsection 2 of section 100b of *The Schools Administration Act*, as enacted by section 14 of *The Schools Administration Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 100b  
(1968-69,  
c. 114, s. 14),  
subs. 2,  
re-enacted

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

(a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality by subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act* or by subsection 3 of section 74 of *The Separate Schools Act*, in a year,

R.S.O. 1960,  
cc. 362, 368

differs from,

(b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of the Act under which the board operates, after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

**Levy for difference**

- (3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof.

R.S.O. 1960,  
c. 361, s. 106  
(1964, c. 105,  
s. 11), subs. 1,  
amended

**13.** Subsection 1 of section 106 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "municipality" in the first line "except a municipality in a school division", so that the subsection shall read as follows:

**Withholding of debenture levy**

- (1) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

**Commencement**

**14.**—(1) This Act, except sections 1 and 4, subsection 4 of section 5, sections 6, 9, 11 and 12, comes into force on the day it receives Royal Assent.

**Idem**

(2) Subsection 4 of section 5 shall be deemed to have come into force on the 1st day of January, 1970.

**Idem**

(3) Sections 1, 4, 6, 9, 11 and 12 shall be deemed to have come into force on the 1st day of January, 1971.

**Short title**

**15.** This Act may be cited as *The Schools Administration Amendment Act, 1971*.



An Act to amend  
The Schools Administration Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. R. WELCH  
Minister of Education

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1971

**BILL 106****Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Separate Schools Act**

THE HON. R. WELCH  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** Subsections 1 and 2. The amendments eliminate tuition fees for wards and children in the care of a children's aid society.

**Subsection 3.** The amendment provides for the use of equalized assessment and average daily enrolment instead of local assessment and average daily attendance since the separate school zone may include several municipalities.

**BILL 106****1971**

### An Act to amend The Separate Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 8 of section 22 of *The Separate Schools Act*, as amended by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 22, subs. 8, re-enacted

(8) A child who is a ward of a children's aid society or Admission of ward of children's aid society who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a separate school operated by the board of the separate school zone in which the child resides.

(2) Subsection 8a of the said section 22, as enacted by subsection 4 of section 3 of *The Separate Schools Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 368, s. 22, subs. 8a, (1965, c. 122, s. 3, subs. 4), repealed

(3) Subsection 14 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 22, subs. 14, (1962-63, c. 132, s. 3, subs. 3), re-enacted

(14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone, Where a separate school supporter resides in one zone but owns land in another zone

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, is not 1968-69, c. 6

less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee.

R.S.O. 1960,  
c. 368, s. 45,  
subs. 1, cl. f.  
re-enacted

**2.** Clause of subsection 1 of section 45 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1968* and section 1 of *The Separate Schools Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Collection  
of rates

(f) where the board has made a request to a municipality in accordance with section 62, to submit to the council of the municipality, on or before the 1st day of March in each year, the rates required by the board to be levied and collected in such municipality for all separate school purposes authorized by this Act to be collected from the separate school supporters of the separate schools under the control of the board.

R.S.O. 1960,  
c. 368, s. 62,  
amended

**3.** Section 62 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Request for  
collection  
of rates

(1a) The request referred to in subsection 1 shall continue in force and be acted upon until it is withdrawn or cancelled by a notice subsequently given by the board on or before the 1st day of February in any year.

Commencement

**4.—(1)** This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1972.

Short title

**5.** This Act may be cited as *The Separate Schools Amendment Act, 1971*.

**SECTION 2.** The amendment is to make it clear that a board wishing to have the separate school rates collected by a municipal council shall so request on or before the 1st of February as required in section 62 and shall submit the rate to be collected by the 1st of March.

**SECTION 3.** The amendment provides for the continuity of a notice given by a separate school board to a council for the collection of rates on behalf of the board.





# **BILL 106**

An Act to amend  
The Separate Schools Act

*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

THE HON. R. WELCH  
Minister of Education

(*Government Bill*)

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## **BILL 106**

Publication

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

### **An Act to amend The Separate Schools Act**

THE HON. R. WELCH  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 106****1971****An Act to amend The Separate Schools Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 8 of section 22 of *The Separate Schools Act*, as amended by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 22, subs. 8, re-enacted

(8) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a separate school operated by the board of the separate school zone in which the child resides. Admission of ward of children's aid society

(2) Subsection 8a of the said section 22, as enacted by subsection 4 of section 3 of *The Separate Schools Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 368, s. 22, subs. 8a (1965, c. 122, s. 3, subs. 4), repealed

(3) Subsection 14 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 22, subs. 14 (1962-63, c. 132, s. 3, subs. 3), re-enacted

(14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone, Where a separate school supporter resides in one zone but owns land in another zone

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act, 1968-69*, is not 1968-69, c. 6

less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee.

R.S.O. 1960,  
c. 368, s. 45,  
subs. 1, cl. f,  
re-enacted

**2.** Clause *f* of subsection 1 of section 45 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1968* and section 1 of *The Separate Schools Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Collection  
of rates

(*f*) where the board has made a request to a municipality in accordance with section 62, to submit to the council of the municipality, on or before the 1st day of March in each year, the rates required by the board to be levied and collected in such municipality for all separate school purposes authorized by this Act to be collected from the separate school supporters of the separate schools under the control of the board.

R.S.O. 1960,  
c. 368, s. 62,  
amended

**3.** Section 62 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Request for  
collection  
of rates

(1*a*) The request referred to in subsection 1 shall continue in force and be acted upon until it is withdrawn or cancelled by a notice subsequently given by the board on or before the 1st day of February in any year.

Commencement

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1972.

Short title

**5.** This Act may be cited as *The Separate Schools Amendment Act, 1971*.







**BILL 106**

An Act to amend  
The Separate Schools Act

*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 13th, 1971

THE HON. R. WELCH  
Minister of Education

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**BILL 107**

**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Children's Boarding Homes Act**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The definition section is revised; the maximum age of a child is raised from fifteen to seventeen years of age and the minimum number of children is lowered from five to three.

**BILL 107****1971**

**An Act to amend  
The Children's Boarding Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Children's Boarding Homes Act*, as R.S.O. 1960, c. 54, s. 1, amended by section 1 of *The Children's Boarding Homes Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- |   |                        |
|---|------------------------|
| 1. In this Act,   | Interpre-<br>tation    |
| (a) "Board" means the Day Nursery Review Board established under <i>The Day Nurseries Act, 1966</i> ;   | 1966, c. 37            |
| (b) "child" means a boy or girl actually or apparently under eighteen years of age;   |                        |
| (c) "children's boarding home" means a premises in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving lodging, boarding or care, but does not include, |                        |
| (i) a foster home or any other home or institution that is supervised or operated by a children's aid society under <i>The Child Welfare Act, 1965</i> ,  | 1965, c. 14            |
| (ii) a house that is licensed under <i>The Private Hospitals Act</i> ,  | R.S.O. 1960,<br>c. 305 |
| (iii) a day nursery within the meaning of <i>The Day Nurseries Act, 1966</i> ,  | 1966, c. 37            |

- 1962-63, c. 11
- (iv) a charitable institution within the meaning of *The Charitable Institutions Act, 1962-63*,
- 1968-69, c. 10
- (v) a children's mental health centre under *The Children's Mental Health Centres Act, 1968-69*,
- 1968, c. 103
- (vi) a detention home, a detention and observation home or a diagnostic clinic under *The Provincial Courts Act, 1968*,
  - (vii) a hostel intended for short-term accommodation,
- 1962-63, c. 14
- (viii) a children's institution within the meaning of *The Children's Institutions Act, 1962-63*,
- 1966, c. 65
- (ix) a home for retarded persons within the meaning of *The Homes for Retarded Persons Act, 1966*,
- R.S.O. 1960,  
c. 321
- (x) a summer camp under *The Public Health Act*, or
  - (xi) a home, hospital or other institution that is in receipt of financial aid from the Province of Ontario;
- (d) "Department" means the Department of Social and Family Services;
- (e) "Minister" means the Minister of Social and Family Services;
- (f) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act;
- (g) "provincial inspector" means a member of the staff of the Department who is designated as a provincial inspector by the Minister;
- (h) "Registrar" means the Director of Children's and Youth Institutions Branch of the Department;
- (i) "regulations" means the regulations made under this Act.



SECTION 2. The duties of the Registrar are more precisely defined and delegation of his powers and duties is provided for.

SECTION 3. The amendment clarifies the persons guilty of an offence when unregistered premises are used as a children's boarding home.

SECTION 4. The amendment refers to the particulars concerning each child in the home to be entered in a register.

SECTION 5. The amendment reflects the current wording of *The Child Welfare Act, 1965*; the section deems a child in an unregistered home to be in need of protection within the meaning of that Act.

SECTION 6. Subsection 1. The amended clause will provide for regulations governing and regulating the operations of premises registered under the Act.

**2.** Sections 2 and 3 of *The Children's Boarding Homes Act* R.S.O. 1960,  
are repealed and the following substituted therefor: c. 54, s. 2,  
re-enacted,  
s. 3,  
repealed

2.—(1) The Registrar shall perform such duties and Duties of  
exercise such powers under this Act as are conferred Registrar  
or imposed upon him by this Act and the regulations.

(2) Where the Registrar is absent or there is a vacancy Delegation  
in his office, the powers and duties of the Registrar  
may be exercised and performed by such employee  
of the Department as the Minister designates.

(3) The Registrar, with the consent in writing of the <sup>Idem</sup> Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Children's and Youth Institutions Branch of the Department to exercise and discharge any of the powers conferred or the duties imposed on him under this Act.

(4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Registrar under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Registrar for the purposes of this Act. Decision of  
person acting  
in place of  
Registrar

**3.** Subsection 2 of section 5 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is repealed and the following substituted therefor: c. 54, s. 5,  
subs. 2,  
re-enacted

(2) Where premises are used as a children's boarding home in contravention of subsection 1, every person who alone, on behalf of, or in association with one or more other persons is concerned in the management of or is in charge of the children's boarding home or who supervises children lodged therein, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day during which such use is continued. Offence

**4.** Clause *a* of subsection 1 of section 9 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is amended by striking out "age" in the c. 54, s. 9,  
first line and inserting in lieu thereof "date of birth". subs. 1, cl. *a*,  
amended

**5.** Section 11 of *The Children's Boarding Homes Act* is R.S.O. 1960,  
amended by striking out "an apparently neglected child" c. 54, s. 11,  
in the third line and inserting in lieu thereof "apparently amended  
in need of protection".

**6.**—(1) Clause *f* of section 14 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is amended by striking out "homes" in the second c. 54, s. 14,  
line and inserting in lieu thereof "premises registered". cl. *f*,  
amended

R.S.O. 1960,  
c. 54, s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following clauses:

- (ba) prescribing procedures for registration and renewal of registration of children's boarding homes by the Registrar;
- (fa) governing the care provided and requiring and prescribing medical and other related or ancillary services for children boarded or lodged in premises registered under this Act;
- (fb) prescribing staff requirements for premises registered under this Act and governing qualifications of the members of the staff of such premises or any class thereof and prescribing their powers and duties;
- (fc) governing the admission of children to premises registered under this Act;
- (fd) prescribing rules and standards governing structural safety, fire protection and sanitary and health conditions of the premises and inhabitants of premises registered under this Act.

**7.** Subsection 1 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, is repealed.

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1971*.

Subsection 2. The regulation making authority of the Lieutenant Governor in Council is enlarged.

SECTION 7. The subject matter of the repealed subsection has been incorporated in section 1 of the Bill.





**BILL 107**

An Act to amend  
The Children's Boarding Homes Act

*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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(*Government Bill*)

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**BILL 107**

EDUCATION  
**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Children's Boarding Homes Act**

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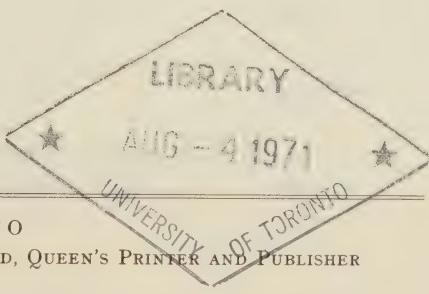
THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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*(Reprinted as amended by the Committee of the Whole House)*

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

TORONTO



#### **EXPLANATORY NOTES**

**SECTION 1.** The definition section is revised; the maximum age of a child is raised from fifteen to seventeen years of age.

**BILL 107****1971**

**An Act to amend  
The Children's Boarding Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Children's Boarding Homes Act*, as R.S.O. 1960, c. 54, s. 1, amended by section 1 of *The Children's Boarding Homes Amendment Act, 1962-63*, is repealed and the following substituted therefor:

**1. In this Act,**

Interpre-  
tation

- (a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act, 1966*; 1966, c. 37
- (b) "child" means a boy or girl actually or apparently under eighteen years of age;
- (c) "children's boarding home" means a premises in which five or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving lodging, boarding or care, but does not include,
  - (i) a foster home or any other home or institution that is supervised or operated by a children's aid society under *The Child Welfare Act, 1965*, 1965, c. 14
  - (ii) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1960,  
c. 305
  - (iii) a day nursery within the meaning of *The Day Nurseries Act, 1966*, 1966, c. 37

- 1962-63, c. 11
- (iv) a charitable institution within the meaning of *The Charitable Institutions Act, 1962-63*,
- 1968-69, c. 10
- (v) a children's mental health centre under *The Children's Mental Health Centres Act, 1968-69*,
- 1968, c. 103
- (vi) a detention home, a detention and observation home or a diagnostic clinic under *The Provincial Courts Act, 1968*,
  - (vii) a hostel intended for short-term accommodation,
- 1962-63, c. 14
- (viii) a children's institution within the meaning of *The Children's Institutions Act, 1962-63*,
- 1966, c. 65
- (ix) a home for retarded persons within the meaning of *The Homes for Retarded Persons Act, 1966*,
- R.S.O. 1960,  
c. 321
- (x) a summer camp under *The Public Health Act*, or
  - (xi) a home, hospital or other institution that is in receipt of financial aid from the Province of Ontario;
- (d) "Department" means the Department of Social and Family Services;
- (e) "Minister" means the Minister of Social and Family Services;
- (f) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act;
- (g) "provincial inspector" means a member of the staff of the Department who is designated as a provincial inspector by the Minister;
- (h) "Registrar" means the Director of Children's and Youth Institutions Branch of the Department;
- (i) "regulations" means the regulations made under this Act.



SECTION 2. The duties of the Registrar are more precisely defined and delegation of his powers and duties is provided for.

SECTION 3. The amendment clarifies the persons guilty of an offence when unregistered premises are used as a children's boarding home.

SECTION 4. The amendment refers to the particulars concerning each child in the home to be entered in a register.

SECTION 5. The amendment reflects the current wording of *The Child Welfare Act, 1965*; the section deems a child in an unregistered home to be in need of protection within the meaning of that Act.

SECTION 6. Subsection 1. The amended clause will provide for regulations governing and regulating the operations of premises registered under the Act.

**2.** Sections 2 and 3 of *The Children's Boarding Homes Act* R.S.O. 1960,  
are repealed and the following substituted therefor: c. 54, s. 2,  
re-enacted,  
s. 3,  
repealed

- 2.—(1) The Registrar shall perform such duties and Duties of  
exercise such powers under this Act as are conferred Registrar  
or imposed upon him by this Act and the regulations.
- (2) Where the Registrar is absent or there is a vacancy Delegation  
in his office, the powers and duties of the Registrar  
may be exercised and performed by such employee  
of the Department as the Minister designates.
- (3) The Registrar, with the consent in writing of the <sup>Idem</sup> Deputy Minister of Social and Family Services, may  
authorize any employee or class of employee of the  
Children's and Youth Institutions Branch of the  
Department to exercise and discharge any of the  
powers conferred or the duties imposed on him under  
this Act.
- (4) Any decision, order or directive made or given by a <sup>Decision of</sup>  
person exercising powers and performing duties of the <sup>person acting</sup>  
Registrar under subsection 2 or 3 shall be deemed to  
be a decision, order or directive of the Registrar  
for the purposes of this Act. <sup>in place of  
Registrar</sup>

**3.** Subsection 2 of section 5 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is repealed and the following substituted therefor: c. 54, s. 5,  
subs. 2,  
re-enacted

- (2) Where premises are used as a children's boarding Offence  
home in contravention of subsection 1, every person  
who alone, on behalf of, or in association with one or  
more other persons is concerned in the management  
of or is in charge of the children's boarding home or  
who supervises children lodged therein, is guilty of  
an offence and on summary conviction is liable to a  
fine of not more than \$25 for every day during  
which such use is continued.

**4.** Clause *a* of subsection 1 of section 9 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is amended by striking out "age" in the <sup>c. 54, s. 9,</sup> subs. 1, cl. *a*,  
first line and inserting in lieu thereof "date of birth". <sup>amended</sup>

**5.** Section 11 of *The Children's Boarding Homes Act* is R.S.O. 1960,  
amended by striking out "an apparently neglected child" <sup>c. 54, s. 11,</sup> amended  
in the third line and inserting in lieu thereof "apparently  
in need of protection".

**6.—(1)** Clause *f* of section 14 of *The Children's Boarding Homes Act* R.S.O. 1960,  
is amended by striking out "homes" in the second <sup>c. 54, s. 14,</sup> cl. *f*,  
line and inserting in lieu thereof "premises registered". <sup>amended</sup>

R.S.O. 1960,  
c. 54, s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following clauses:

(ba) prescribing procedures for registration and renewal of registration of children's boarding homes by the Registrar;

(fa) governing the care provided and requiring and prescribing medical and other related or ancillary services for children boarded or lodged in premises registered under this Act;

(fb) prescribing staff requirements for premises registered under this Act and governing qualifications of the members of the staff of such premises or any class thereof and prescribing their powers and duties;

(fc) governing the admission of children to premises registered under this Act;

(fd) prescribing rules and standards governing structural safety, fire protection and sanitary and health conditions of the premises and inhabitants of premises registered under this Act.

1971, c. ...  
s. 18,  
subs. 1,  
repealed

**7.** Subsection 1 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, is repealed.

Commencement

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1971*.

Subsection 2. The regulation making authority of the Lieutenant Governor in Council is enlarged.

SECTION 7. The subject matter of the repealed subsection has been incorporated in section 1 of the Bill.





An Act to amend  
The Children's Boarding Homes Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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(Reprinted as amended by the  
Committee of the Whole House)

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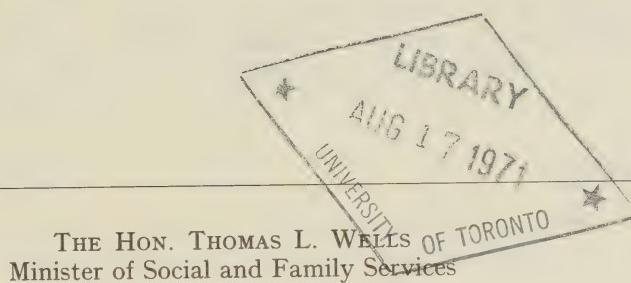
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**BILL 107**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

1971  
Fullerton

**An Act to amend The Children's Boarding Homes Act**



THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 107****1971**

**An Act to amend  
The Children's Boarding Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Children's Boarding Homes Act*, as R.S.O. 1960, c. 54, s. 1, amended by section 1 of *The Children's Boarding Homes Amendment Act, 1962-63*, is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

(a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act, 1966*;

(b) "child" means a boy or girl actually or apparently under eighteen years of age;

(c) "children's boarding home" means a premises in which five or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving lodging, boarding or care, but does not include,

(i) a foster home or any other home or institution that is supervised or operated by a children's aid society under *The Child Welfare Act, 1965*,

1965, c. 14

(ii) a house that is licensed under *The Private Hospitals Act*,

R.S.O. 1960,  
c. 305

(iii) a day nursery within the meaning of *The Day Nurseries Act, 1966*,

1966, c. 37

1962-63, c. 11

(iv) a charitable institution within the meaning of *The Charitable Institutions Act, 1962-63*,

1968-69, c. 10

(v) a children's mental health centre under *The Children's Mental Health Centres Act, 1968-69*,

1968, c. 103

(vi) a detention home, a detention and observation home or a diagnostic clinic under *The Provincial Courts Act, 1968*,

(vii) a hostel intended for short-term accommodation,

1962-63, c. 14

(viii) a children's institution within the meaning of *The Children's Institutions Act, 1962-63*,

1966, c. 65

(ix) a home for retarded persons within the meaning of *The Homes for Retarded Persons Act, 1966*,

R.S.O. 1960,  
c. 321

(x) a summer camp under *The Public Health Act*, or

(xi) a home, hospital or other institution that is in receipt of financial aid from the Province of Ontario;

(d) "Department" means the Department of Social and Family Services;

(e) "Minister" means the Minister of Social and Family Services;

(f) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act;

(g) "provincial inspector" means a member of the staff of the Department who is designated as a provincial inspector by the Minister;

(h) "Registrar" means the Director of Children's and Youth Institutions Branch of the Department;

(i) "regulations" means the regulations made under this Act.

**2.** Sections 2 and 3 of *The Children's Boarding Homes Act* R.S.O. 1960, c. 54, s. 2, re-enacted, s. 3, repealed are repealed and the following substituted therefor:

- 2.—(1) The Registrar shall perform such duties and Duties of Registrar exercise such powers under this Act as are conferred or imposed upon him by this Act and the regulations.
- (2) Where the Registrar is absent or there is a vacancy Delegation in his office, the powers and duties of the Registrar may be exercised and performed by such employee of the Department as the Minister designates.
- (3) The Registrar, with the consent in writing of the <sup>Idem</sup> Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Children's and Youth Institutions Branch of the Department to exercise and discharge any of the powers conferred or the duties imposed on him under this Act.
- (4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Registrar under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Registrar for the purposes of this Act. Decision of person acting in place of Registrar

**3.** Subsection 2 of section 5 of *The Children's Boarding Homes Act* R.S.O. 1960, c. 54, s. 5, subs. 2, re-enacted is repealed and the following substituted therefor:

- (2) Where premises are used as a children's boarding home in contravention of subsection 1, every person who alone, on behalf of, or in association with one or more other persons is concerned in the management of or is in charge of the children's boarding home or who supervises children lodged therein, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day during which such use is continued. Offence

**4.** Clause *a* of subsection 1 of section 9 of *The Children's Boarding Homes Act* R.S.O. 1960, c. 54, s. 9, subs. 1, cl. *a*, amended is amended by striking out "age" in the first line and inserting in lieu thereof "date of birth".

**5.** Section 11 of *The Children's Boarding Homes Act* is R.S.O. 1960, c. 54, s. 11, amended amended by striking out "an apparently neglected child" in the third line and inserting in lieu thereof "apparently in need of protection".

**6.**—(1) Clause *f* of section 14 of *The Children's Boarding Homes Act* R.S.O. 1960, c. 54, s. 14, cl. *f*, amended is amended by striking out "homes" in the second line and inserting in lieu thereof "premises registered".

R.S.O. 1960,  
c. 54, s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following clauses:

- (ba) prescribing procedures for registration and renewal of registration of children's boarding homes by the Registrar;
- (fa) governing the care provided and requiring and prescribing medical and other related or ancillary services for children boarded or lodged in premises registered under this Act;
- (fb) prescribing staff requirements for premises registered under this Act and governing qualifications of the members of the staff of such premises or any class thereof and prescribing their powers and duties;
- (fc) governing the admission of children to premises registered under this Act;
- (fd) prescribing rules and standards governing structural safety, fire protection and sanitary and health conditions of the premises and inhabitants of premises registered under this Act.

1971, c. ...  
s. 18,  
subs. 1,  
repealed

**7.** Subsection 1 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, is repealed.

Commencement

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1971*.



An Act to amend  
The Children's Boarding Homes Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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**BILL 108**

**Government Bill**

**4TH SESSION, 28TH LEGISLATURE, ONTARIO**  
**20 ELIZABETH II, 1971**

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**An Act to repeal The Maternity Boarding Houses Act**

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THE HON. A. B. R. LAWRENCE (Carleton East)  
Minister of Health

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The registration of this type of home will now come under the jurisdiction of the Department of Social and Family Services in the administration of *The Children's Boarding Homes Act*.

**BILL 108****1971**

**An Act to repeal  
The Maternity Boarding Houses Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Maternity Boarding Houses Act* and *The Maternity Boarding Houses Amendment Act, 1964* are repealed. R.S.O. 1960,  
c. 231,  
1964, c. 59,  
repealed
- 2.** This Act comes into force on the day it receives Royal Commencement Assent.
- 3.** This Act may be cited as *The Maternity Boarding Houses Repeal Act, 1971*. Short title

# **BILL 108**

An Act to repeal  
The Maternity Boarding Houses Act

*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

THE HON. A. B. R. LAWRENCE  
(Carleton East)  
Minister of Health

*(Government Bill)*

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**BILL 108**

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Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to repeal The Maternity Boarding Houses Act**

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THE HON. A. B. R. LAWRENCE (Carleton East)  
Minister of Health

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TORONTO

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**BILL 108****1971**

**An Act to repeal  
The Maternity Boarding Houses Act**

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- 1.** *The Maternity Boarding Houses Act* and *The Maternity Boarding Houses Amendment Act, 1964* are repealed. R.S.O. 1960,  
c. 231,  
1964, c. 59,  
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commencement
- 3.** This Act may be cited as *The Maternity Boarding Houses Repeal Act, 1971*. Short title

An Act to repeal  
The Maternity Boarding Houses Act

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 13th, 1971

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THE HON. A. B. R. LAWRENCE  
(Carleton East)  
Minister of Health

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**BILL 109**

Government  
Publications  
**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Family Benefits Act, 1966**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The definition of dependent child is revised to remove an inconsistency; see also the explanatory note to subsection 5 of section 4 of the Bill.

SECTION 2. The present authority of the Director of the Family Benefits Branch is to delegate, with the consent of the Deputy Minister, any of his powers to an employee of that Branch; the amendment will permit such delegation to any employee of the Department.

SECTION 3. Self-explanatory.

**BILL 109****1971**

**An Act to amend  
The Family Benefits Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Family Benefits Act, 1966* <sup>1966, c. 54,  
s. 1, cl. e.</sup> is repealed and the following substituted therefor: <sup>re-enacted</sup>

(*e*) “dependent child” means a person residing in Ontario who is supported by his mother, dependent father or the person who stands *in loco parentis* to him and,

(i) who is under twenty-one years of age and attends an educational institution of a class defined by the regulations and, if sixteen years of age or over, is making satisfactory progress with his studies, or

(ii) who is under eighteen years of age and is not attending school because,

a. he is of pre-school age, or

b. he is unable to attend school by reason of mental or physical disability.

**2.** Subsection 3 of section 3 of *The Family Benefits Act, 1966*, <sup>1966, c. 54,  
s. 3, subs. 3</sup> as enacted by section 1 of *The Family Benefits Amendment Act, 1968*, <sup>(1968, c. 39,  
s. 1), amended</sup> is amended by striking out “of the Family Benefits Branch” in the third and fourth lines.

**3.** Section 5 of *The Family Benefits Act, 1966* is amended <sup>1966, c. 54,  
s. 5,  
amended</sup> by adding thereto the following subsection:

(2) Notwithstanding subsection 1, where a recipient <sup>Payment in  
respect of  
rent</sup> is a tenant of any authority or agency that provides low rental housing accommodation on behalf of the

Crown in the right of Ontario or on behalf of a municipality, any part of his allowance that does not exceed the amount of his budgetary requirements for shelter as determined in accordance with the regulations, may be paid to the authority or agency in respect of the current rent for which the recipient is liable.

1966, c. 54,  
s. 7, subs. 1,  
cl. a,  
amended

**4.**—(1) Clause *a* of subsection 1 of section 7 of *The Family Benefits Act, 1966* is amended by striking out “in receipt of” in the second line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

R.S.C. 1952,  
c. 200

(*a*) who has attained the age of sixty-five years and who is not eligible for a pension under the *Old Age Security Act* (Canada); or

1966, c. 54,  
s. 7, subs. 1,  
cl. c,  
amended

(2) Clause *c* of subsection 1 of the said section 7 is amended by striking out “in receipt of” in the third line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

(*c*) who has attained the age of eighteen years and is blind or otherwise disabled as defined by the regulations and is not eligible for a pension under the *Old Age Security Act* (Canada); or

1966, c. 54,  
s. 7, subs. 1,  
cl. e,  
re-enacted

(3) Clause *e* of subsection 1 of the said section 7 is repealed and the following substituted therefor:

(*e*) who is a dependent father with a dependent child; or

1966, c. 54, s. 7,  
subs. 1, cl. f,  
amended

(4) Clause *f* of subsection 1 of the said section 7 is amended by striking out “foster-mother” and inserting in lieu thereof “foster-parent”.

1966, c. 54,  
s. 7, subs. 2,  
repealed

(5) Subsection 2 of the said section 7 is repealed.

1966, c. 54,  
s. 8, subs. 1,  
re-enacted

**5.** Subsection 1 of section 8 of *The Family Benefits Act, 1966* is repealed and the following substituted therefor:

Special cases

(1) In cases presenting special circumstances and in which investigation shows the advisability of a

**SECTION 4.** Subsections 1 and 2. Eligibility for, rather than actual receipt of, an old age pension will determine whether or not a person may receive allowances or other benefits under the Act.

Subsection 3. A dependent father with a dependent child will be eligible for allowances or other benefits; presently such a dependent father must meet certain other requirements.

Subsection 4. The amendment makes a foster-father as well as a foster-mother eligible for allowances or other benefits.

Subsection 5. The subsection repealed provided no benefit could be provided in respect of a dependent child under eighteen years of age not attending school, except under certain circumstances; the new definition of dependent child set out in section 1 of the Bill now governs this situation.

**SECTION 5.** The amendment will permit benefits to be provided in special circumstances to an applicant not otherwise eligible; presently only an allowance may be provided to an applicant under these circumstances.



benefit being provided to an applicant who is not eligible therefor, the Lieutenant Governor in Council may direct that the benefit be provided to the applicant.

**6.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**7.** This Act may be cited as *The Family Benefits Amendment Act, 1971*. <sup>Short title</sup>

An Act to amend  
The Family Benefits Act, 1966

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*1st Reading*

July 6th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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(*Government Bill*)

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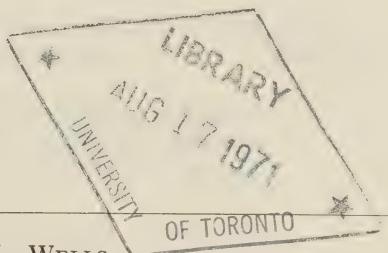
BILL 109

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Family Benefits Act, 1966**



THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 109****1971**

**An Act to amend  
The Family Benefits Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Family Benefits Act, 1966* <sup>1966, c. 54,  
s. 1, cl. *e*,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*e*) “dependent child” means a person residing in Ontario who is supported by his mother, dependent father or the person who stands *in loco parentis* to him and,
  - (i) who is under twenty-one years of age and attends an educational institution of a class defined by the regulations and, if sixteen years of age or over, is making satisfactory progress with his studies, or
  - (ii) who is under eighteen years of age and is not attending school because,
    - a. he is of pre-school age, or
    - b. he is unable to attend school by reason of mental or physical disability.

**2.** Subsection 3 of section 3 of *The Family Benefits Act, 1966*, <sup>1966, c. 54,  
s. 3, subs. 3</sup> as enacted by section 1 of *The Family Benefits Amendment Act, 1968*, <sup>1968, c. 39,  
s. 1), amended</sup> is amended by striking out “of the Family Benefits Branch” in the third and fourth lines.

**3.** Section 5 of *The Family Benefits Act, 1966* is amended <sup>1966, c. 54,  
s. 5,  
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, where a recipient <sup>Payment in  
respect of  
rent</sup> is a tenant of any authority or agency that provides low rental housing accommodation on behalf of the

Crown in the right of Ontario or on behalf of a municipality, any part of his allowance that does not exceed the amount of his budgetary requirements for shelter as determined in accordance with the regulations, may be paid to the authority or agency in respect of the current rent for which the recipient is liable.

1966, c. 54,  
s. 7, subs. 1,  
cl. a,  
amended

R.S.C. 1952,  
c. 200

**4.**—(1) Clause *a* of subsection 1 of section 7 of *The Family Benefits Act, 1966* is amended by striking out “in receipt of” in the second line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

(*a*) who has attained the age of sixty-five years and who is not eligible for a pension under the *Old Age Security Act* (Canada); or

1966, c. 54,  
s. 7, subs. 1,  
cl. c,  
amended

(2) Clause *c* of subsection 1 of the said section 7 is amended by striking out “in receipt of” in the third line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

(*c*) who has attained the age of eighteen years and is blind or otherwise disabled as defined by the regulations and is not eligible for a pension under the *Old Age Security Act* (Canada); or

1966, c. 54,  
s. 7, subs. 1,  
cl. e,  
re-enacted

(3) Clause *e* of subsection 1 of the said section 7 is repealed and the following substituted therefor:

(*e*) who is a dependent father with a dependent child; or

1966, c. 54, s. 7,  
subs. 1, cl. f,  
amended

(4) Clause *f* of subsection 1 of the said section 7 is amended by striking out “foster-mother” and inserting in lieu thereof “foster-parent”.

1966, c. 54,  
s. 7, subs. 2,  
repealed

(5) Subsection 2 of the said section 7 is repealed.

1966, c. 54,  
s. 8, subs. 1,  
re-enacted

**5.** Subsection 1 of section 8 of *The Family Benefits Act, 1966* is repealed and the following substituted therefor:

Special cases

(1) In cases presenting special circumstances and in which investigation shows the advisability of a

benefit being provided to an applicant who is not eligible therefor, the Lieutenant Governor in Council may direct that the benefit be provided to the applicant.

**6.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**7.** This Act may be cited as *The Family Benefits Amendment Act, 1971*.<sup>Short title</sup>





An Act to amend  
The Family Benefits Act, 1966

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*1st Reading*

July 6th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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~~BILL 110~~

Government  
Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Day Nurseries Act, 1966**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

SECTION 1. Subsection 1. The definition of day nursery is amended; the minimum number of children is increased from four to six.

Subsection 2. Self-explanatory.

**BILL 110****1971**

**An Act to amend  
The Day Nurseries Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *ab* of section 1 of *The Day Nurseries Act, 1966*, s. 1, cl. *ab* (1968-69, c. 23, s. 1, subs. 1), is repealed and the following substituted therefor:

- (*ab*) “day nursery” means a place that receives, primarily for the purpose of temporary care and custody for a continuous period not exceeding twenty-four hours, more than five children under ten years of age not of common parentage and that is not,
  - (i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330,
  - (ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368,
  - (iii) part of a private school registered under *The Department of Education Act*, or R.S.O. 1960, c. 94
  - (iv) a children’s mental health centre under *The Children’s Mental Health Centres Act, 1968-69*, 1968-69, c. 10.

(2) The said section 1 is amended by adding thereto the following clause:

- (*fa*) “private-home day care” means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

1966, c. 37,  
amended

**2.** *The Day Nurseries Act, 1966* is amended by adding thereto the following section:

Agreement to  
furnish  
private-home  
day care

**2a.**—(1) The council of a municipality may enter into an agreement with any person or organization for the furnishing of private-home day care, and the municipality may make such expenditures as are necessary for the purpose.

By-laws re  
grant

(2) The council of a municipality may pass by-laws granting aid to any person or organization providing private-home day care.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person or organization for furnishing private-home day care in areas without municipal organization.

1966, c. 37,  
s. 3,  
re-enacted

**3.** Section 3 of *The Day Nurseries Act, 1966*, as amended by section 2 of *The Day Nurseries Amendment Act, 1968-69* and section 1 of *The Day Nurseries Amendment Act, 1970*, is repealed and the following substituted therefor:

Grants

**3.**—(1) There shall be paid to every municipality an amount equal to 80 per cent of its costs computed in accordance with the regulations,

(a) for the operation and maintenance or the renovation of every licensed day nursery established by the municipality; and

(b) under agreements entered into under subsection 3 of section 2 or under subsection 1 of section 2a.

Grants to  
Indian bands

(2) Where a council of the band,

(a) establishes a day nursery; or

(b) enters into an agreement with any person or organization,

(i) operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, or

(ii) for the furnishing of private-home day care,

the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

SECTION 2. Provision is made for private-home day care by agreement.

SECTION 3. The amendments extend the making of grants towards the costs of providing private-home day care. Provision is made for the making of capital grants.

**SECTION 4.** The regulation making authority is extended to complement sections 2 and 3 of the Bill.

**3a.**—(1) Where the Minister has approved the erection of a new building, an addition to an existing building or the purchase or other acquisition of an existing building by a municipality or a band for use in whole or in part as a day nursery, the Lieutenant Governor in Council may direct payment to the municipality or the band, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of,

- (a) where the whole building or addition is used as a day nursery, the cost of the new building, addition or acquisition, as the case may be; or
  - (b) where part only of the building or addition is used as a day nursery, the proportion of the cost of the new building, addition or acquisition, that the floor space used as a day nursery bears to the total floor space of the building or addition, as the case may be.
- (2) An amount payable to a municipality or a band under this section shall be paid at such times and in such manner as are prescribed by the regulations.

- 3b. No municipality or band shall change the site of, sell or otherwise dispose of any part of, or structurally alter any day nursery in respect of which the municipality or band has received payment of a grant under section 3 for renovation costs or a grant under section 3a, without the approval in writing of the Director.

**4.**—(1) Section 7 of *The Day Nurseries Act, 1966*, as amended by section 7 of *The Day Nurseries Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

- (aa) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;
- (ab) providing for the inspection of private residences in which private-home day care is furnished under an agreement between the municipality, the council of the band or the Minister and any person or organization;

- (ac) prescribing the qualifications of any person supervising children in a day nursery or as part of a program of private-home day care furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;
  - (ad) establishing and approving courses of instruction for persons supervising children in day nurseries or as part of a program of private-home day care, and providing for the granting of certificates to those who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;
- 
- (ca) governing applications by municipalities and bands for payments under this Act and prescribing the method, time and manner of payment.

1966, c. 37,  
s. 7, cl. *d*,  
amended  
(2) Clause *d* of the said section 7 is amended by striking out "section 3" in the second line and inserting in lieu thereof "sections 3 and 3a".

Commencement  
5. This Act comes into force on the day it receives Royal Assent.

Short title  
6. This Act may be cited as *The Day Nurseries Amendment Act, 1971*.







An Act to amend  
The Day Nurseries Act, 1966

*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. THOMAS L. WELLS  
Minister of Social and  
Family Services

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(*Government Bill*)

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**BILL 110**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Day Nurseries Act, 1966**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO  
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 110****1971**

**An Act to amend  
The Day Nurseries Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *ab* of section 1 of *The Day Nurseries Act*, 1966, c. 37, s. 1, cl. *ab* (1968-69, c. 23, s. 1),  
as enacted by subsection 1 of section 1 of *The Day Nurseries Amendment Act*, 1968-69, is repealed and the following substituted therefor:  
*re-enacted*

(*ab*) “day nursery” means a place that receives, primarily for the purpose of temporary care and custody for a continuous period not exceeding twenty-four hours, more than five children under ten years of age not of common parentage and that is not,

- (i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330,
- (ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368,
- (iii) part of a private school registered under *The Department of Education Act*, or, R.S.O. 1960, c. 94
- (iv) a children’s mental health centre under *The Children’s Mental Health Centres Act*, 1968-69.

(2) The said section 1 is amended by adding thereto the following clause:

(*fa*) “private-home day care” means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

1966, c. 37,  
amended

**2.** *The Day Nurseries Act, 1966* is amended by adding thereto the following section:

Agreement to  
furnish  
private-home  
day care

**2a.**—(1) The council of a municipality may enter into an agreement with any person or organization for the furnishing of private-home day care, and the municipality may make such expenditures as are necessary for the purpose.

By-laws re  
grant

(2) The council of a municipality may pass by-laws granting aid to any person or organization providing private-home day care.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person or organization for furnishing private-home day care in areas without municipal organization.

1966, c. 37,  
s. 3,  
re-enacted

**3.** Section 3 of *The Day Nurseries Act, 1966*, as amended by section 2 of *The Day Nurseries Amendment Act, 1968-69* and section 1 of *The Day Nurseries Amendment Act, 1970*, is repealed and the following substituted therefor:

Grants

3.—(1) There shall be paid to every municipality an amount equal to 80 per cent of its costs computed in accordance with the regulations,

(a) for the operation and maintenance or the renovation of every licensed day nursery established by the municipality; and

(b) under agreements entered into under subsection 3 of section 2 or under subsection 1 of section 2a.

Grants to  
Indian bands

(2) Where a council of the band,

(a) establishes a day nursery; or

(b) enters into an agreement with any person or organization,

(i) operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, or

(ii) for the furnishing of private-home day care,

the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

3a.—(1) Where the Minister has approved the erection <sup>Capital grants</sup> of a new building, an addition to an existing building or the purchase or other acquisition of an existing building by a municipality or a band for use in whole or in part as a day nursery, the Lieutenant Governor in Council may direct payment to the municipality or the band, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of,

- (a) where the whole building or addition is used as a day nursery, the cost of the new building, addition or acquisition, as the case may be; or
  - (b) where part only of the building or addition is used as a day nursery, the proportion of the cost of the new building, addition or acquisition, that the floor space used as a day nursery bears to the total floor space of the building or addition, as the case may be.
- (2) An amount payable to a municipality or a band under <sup>Time and manner of payment</sup> this section shall be paid at such times and in such manner as are prescribed by the regulations.

3b. No municipality or band shall change the site of, <sup>Approval to sale, etc.</sup> sell or otherwise dispose of any part of, or structurally alter any day nursery in respect of which the municipality or band has received payment of a grant under section 3 for renovation costs or a grant under section 3a, without the approval in writing of the Director.

4.—(1) Section 7 of *The Day Nurseries Act, 1966*, as <sup>1966, c. 37, s. 7, amended</sup> amended by section 7 of *The Day Nurseries Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

- (aa) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;
- (ab) providing for the inspection of private residences in which private-home day care is furnished under an agreement between the municipality, the council of the band or the Minister and any person or organization;

(ac) prescribing the qualifications of any person supervising children in a day nursery or as part of a program of private-home day care furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;

(ad) establishing and approving courses of instruction for persons supervising children in day nurseries or as part of a program of private-home day care, and providing for the granting of certificates to those who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;

(ca) governing applications by municipalities and bands for payments under this Act and prescribing the method, time and manner of payment.

1966, c. 37,  
s. 7, cl. d,  
amended  
(2) Clause *d* of the said section 7 is amended by striking out "section 3" in the second line and inserting in lieu thereof "sections 3 and 3a".

Commencement  
5. This Act comes into force on the day it receives Royal Assent.

Short title  
6. This Act may be cited as *The Day Nurseries Amendment Act, 1971*.



**BILL 110**

An Act to amend  
The Day Nurseries Act, 1966

*1st Reading*

July 8th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. THOMAS L. WELLS  
Minister of Social and  
Family Services

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Government  
Publications

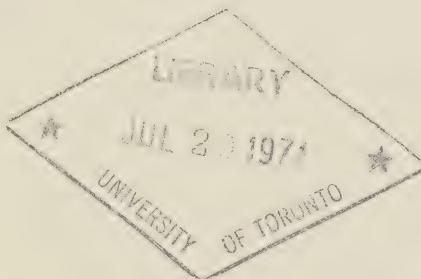
**BILL 111**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Corporations Tax Act**

THE HON. E. A. WINKLER  
Minister of Revenue



TORONTO  
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

For the purposes of section 4a, machinery and equipment that is acquired in one year but not used in that year is deemed to have been acquired and used in the year in which it is first used.

**BILL 111****1971**

**An Act to amend  
The Corporations Tax Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4a of *The Corporations Tax Act*, as enacted R.S.O. 1960,  
by section 1 of *The Corporations Tax Amendment Act, 1971*, c. 73, s. 4a  
is amended by adding thereto the following subsection: (1971, c. 11,  
s. 1),  
amended

(2a) For the purposes of this section, where the machinery Deemed  
and equipment in respect of which the provisions acquisition  
of subsection 2 would otherwise apply, is not used and use  
by the corporation in the fiscal year in which it is acquired, such machinery and equipment shall be deemed to have been acquired and used by the corporation in the fiscal year in which it is first used.

**2.** This Act shall be deemed to have come into force on Commencement  
the 26th day of April, 1971.

**3.** This Act may be cited as *The Corporations Tax Amend- Short title  
ment Act, 1971* (No. 2).

An Act to amend  
The Corporations Tax Act

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

THE HON. E. A. WINKLER  
Minister of Revenue

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(*Government Bill*)

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**BILL 111**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Corporations Tax Act**

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THE HON. E. A. WINKLER  
Minister of Revenue

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

For the purposes of section 4*a*, machinery and equipment that is acquired in one year but not used in that year is deemed to have been acquired and used in the year in which it is first used.

**BILL 111****1971**

**An Act to amend  
The Corporations Tax Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4a of *The Corporations Tax Act*, as enacted R.S.O. 1960,  
by section 1 of *The Corporations Tax Amendment Act, 1971*, c. 73, s. 4a  
is amended by adding thereto the following subsection: (1971, c. 11,  
s. 1),  
amended

- (2a) For the purposes of this section, where the machinery and equipment in respect of which the provisions of subsection 2 would otherwise apply, is not used by the corporation in the fiscal year in which it is acquired, such machinery and equipment shall be deemed to have been acquired and used by the corporation in the fiscal year in which it is first used. Deemed acquisition and use
- 2.** This Act shall be deemed to have come into force on Commencement the 26th day of April, 1971.
- 3.** This Act may be cited as *The Corporations Tax Amendment Act, 1971* (No. 2). Short title

An Act to amend  
The Corporations Tax Act

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. E. A. WINKLER  
Minister of Revenue

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(*Government Bill*)

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~~BILL 111~~

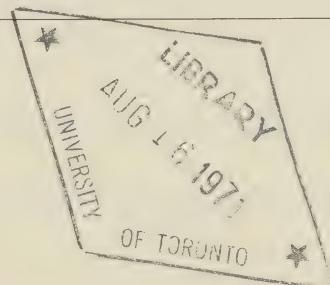
4TH SESSION, 28TH ~~LEGISLATURE~~, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Corporations Tax Act**

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THE HON. E. A. WINKLER  
Minister of Revenue



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TORONTO

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## BILL 111

1971

**An Act to amend  
The Corporations Tax Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 4a of *The Corporations Tax Act*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1971*, is amended by adding thereto the following subsection:

(2a) For the purposes of this section, where the machinery and equipment in respect of which the provisions of subsection 2 would otherwise apply, is not used by the corporation in the fiscal year in which it is acquired, such machinery and equipment shall be deemed to have been acquired and used by the corporation in the fiscal year in which it is first used.

**2.** This Act shall be deemed to have come into force on the 26th day of April, 1971.

**3.** This Act may be cited as *The Corporations Tax Amendment Act, 1971* (No. 2).

An Act to amend  
The Corporations Tax Act

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 13th, 1971

*3rd Reading*

July 13th, 1971

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THE HON. E. A. WINKLER  
Minister of Revenue

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**BILL 112**

**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

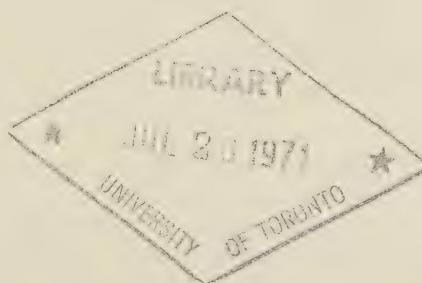
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**An Act to amend  
The Regional Municipal Grants Act, 1970**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

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#### **EXPLANATORY NOTE**

Provision is made for financial assistance for regional and district municipalities and the area municipalities therein.

**BILL 112****1971**

**An Act to amend  
The Regional Municipal Grants Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Regional Municipal Grants Act, 1970*, is amended <sup>1970, c. 15,</sup> <sup>amended</sup> by adding thereto the following section:

**10a.—(1)** In this section,

Interpre-  
tation

- (a) “area municipality” means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, <sup>1968-69,  
c. 106</sup> *The Regional Municipality of Ottawa-Carleton Act, 1968*, <sup>1968, c. 115</sup> *The Regional Municipality of York Act, 1970*, <sup>1970, cc. 50,  
32</sup> and *The District Municipality of Muskoka Act, 1970*;
- (b) “merged area” means a merged area as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of York Act, 1970*, and *The District Municipality of Muskoka Act, 1970*.
- (2) The Lieutenant Governor in Council may, by order, <sup>Special payments</sup> provide for payments to be made to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the date this Act comes into force to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.
- (3) Payments made under subsection 2 shall be made on <sup>Terms and  
conditions</sup> such terms and conditions as the Minister may direct.

- |   |   |
|---|---|
| Apportion-<br>ment of<br>regional or<br>district levy | <p>(4) Notwithstanding this or any other Act, where payments are made to a regional or district municipality in any year under this section,</p> <ul style="list-style-type: none"> <li>(a) the council of the regional or district municipality, as the case may be, shall by by-law passed in that year and approved by the Minister apportion the regional or district levy among the area municipalities, and such apportionment shall apply in that year and the following three years; and</li> <li>(b) the council of an area municipality may by by-law approved by the Minister apportion the regional or district levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.</li> </ul> |
| Apportion-<br>ment of<br>local levy                   | <p>(5) Notwithstanding this or any other Act, where payments are made to an area municipality under this section, the council of the area municipality may by by-law approved by the Minister apportion the local levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.</p>  |
| Payments<br>out of Fund                               | <p>(6) Payments under this section shall be paid out of the Consolidated Revenue Fund.</p>  |
| Commencement  | <p><b>2.</b> This Act comes into force on the day it receives Royal Assent.</p>   |
| Short title   | <p><b>3.</b> This Act may be cited as <i>The Regional Municipal Grants Amendment Act, 1971</i>.</p>   |







# **BILL 112**

An Act to amend  
The Regional Municipal Grants Act, 1970

*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Government Bill)*

CAZON  
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-B 56

**BILL 112**

Government  
Publication

4TH SESSION, 28TH ~~LEGISLATURE~~, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipal Grants Act, 1970**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

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**BILL 112****1971**

**An Act to amend  
The Regional Municipal Grants Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Regional Municipal Grants Act, 1970*, is amended <sup>1970, c. 15,</sup> <sup>amended</sup> by adding thereto the following section:

10a.—(1) In this section,

Interpre-  
tation

- (a) “area municipality” means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, <sup>1968-69,  
c. 106</sup> *The Regional Municipality of Ottawa-Carleton Act, 1968*, <sup>1968, c. 115</sup> *The Regional Municipality of York Act, 1970*, <sup>1970, cc. 50,  
32</sup> and *The District Municipality of Muskoka Act, 1970*;
- (b) “merged area” means a merged area as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of York Act, 1970*, and *The District Municipality of Muskoka Act, 1970*.

- (2) The Lieutenant Governor in Council may, by order, <sup>Special payments</sup> provide for payments to be made to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the date this Act comes into force to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.
- (3) Payments made under subsection 2 shall be made on <sup>Terms and conditions</sup> such terms and conditions as the Minister may direct.

Apportion-  
ment of  
regional or  
district levy

- (4) Notwithstanding this or any other Act, where payments are made to a regional or district municipality in any year under this section,
  - (a) the council of the regional or district municipality, as the case may be, shall by by-law passed in that year and approved by the Minister apportion the regional or district levy among the area municipalities, and such apportionment shall apply in that year and the following three years; and
  - (b) the council of an area municipality may by by-law approved by the Minister apportion the regional or district levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.

Apportion-  
ment of  
local levy

- (5) Notwithstanding this or any other Act, where payments are made to an area municipality under this section, the council of the area municipality may by by-law approved by the Minister apportion the local levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.

Payments  
out of Fund

- (6) Payments under this section shall be paid out of the Consolidated Revenue Fund.

Commencement

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Regional Municipal Grants Amendment Act, 1971*.







An Act to amend  
The Regional Municipal Grants Act, 1970

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 15th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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-B 56

**BILL 113**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipality of Ottawa-Carleton Act, 1968**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

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#### **EXPLANATORY NOTES**

**SECTION 1.** Subsection 1. The amendment is to permit the Regional Corporation to have all the powers relating to the supply and distribution of water that have been conferred upon an area municipality under any special Act.

Subsection 2. This subsection is not required as the Regional Corporation has all the powers of a municipality in relation to the supply and distribution of water. It is, therefore, repealed.

**SECTION 2.** This amendment will permit the Regional Corporation to reapportion the initial capital cost of a sewage works following an extension or improvement of such works.

**BILL 113****1971**

**An Act to amend The Regional Municipality  
of Ottawa-Carleton Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 39 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and there-enacted following substituted therefor:

(1) On and after the 1st day of January, 1969, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all of the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) Subsection 6 of the said section 39 is repealed.

1968, c. 115,  
s. 39, subs. 6,  
repealed

**2.** Subsection 1 of section 47 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following re-enacted substituted therefor:

(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or water-course, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area

municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

- (1a) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

1968, c. 115,  
s. 115,  
repealed

**3. Section 115 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed.**

1968, c. 115,  
amended

**4. *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following sections:**

Waste,  
defined

- 159a.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

- (2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Waste  
disposal  
sites

- (3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application  
of land use  
by-laws  
R.S.O. 1960,  
c. 249

- (4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation.

Acquisition  
of land for  
waste disposal

- (5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

**SECTION 3.** The provisions setting out the procedures in relation to hearings and dispensation of hearings by the Ontario Municipal Board are repealed as these matters are now adequately provided for in *The Ontario Municipal Board Act*.

**SECTION 4.** The Regional Corporation and the area municipalities are authorized to enter into agreements for the purpose of receiving, dumping and disposal of waste.

The Regional Corporation is authorized to pass by-laws under section 391 of *The Municipal Act* for granting aid to agricultural bodies.

An Act to amend  
The Regional Municipality of  
Ottawa-Carleton Act, 1968

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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(*Government Bill*)

CAZON  
XB  
-B 56

**BILL 113**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

Printed in Canada  
by the Queen's Printer

**An Act to amend  
The Regional Municipality of Ottawa-Carleton Act, 1968**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 113****1971**

**An Act to amend The Regional Municipality  
of Ottawa-Carleton Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 39 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

(1) On and after the 1st day of January, 1969, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all of the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) Subsection 6 of the said section 39 is repealed.

1968, c. 115,  
s. 39, subs. 6,  
repealed

**2.** Subsection 1 of section 47 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following re-enacted substituted therefor:

(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or water-course, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by-law provide that the area

municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

**Idem**

- (1a) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

1968, c. 115,  
s. 115,  
repealed

- 3.** Section 115 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed.

1968, c. 115,  
amended

- 4.** *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following sections:

**Waste,  
defined**

- 159a.**—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

**Agreement**

- (2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

**Waste  
disposal  
sites**

- (3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

**Application  
of land use  
by-laws  
R.S.O. 1960,  
c. 249**

- (4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation.

**Acquisition  
of land for  
waste disposal**

- (5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

159b. Paragraph 1 of section 391 of *The Municipal Act* Application  
applies *mutatis mutandis* to the Regional Corporation. of R.S.O. 1960,  
c. 249, s. 391,  
par. 1

**5.** This Act comes into force on the day it receives Commencement  
Royal Assent.

**6.** This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1971*. Short title





DRAFT BILL

An Act to amend  
The Regional Municipality of  
Ottawa-Carleton Act, 1968

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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BILL 114

Government Bill

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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipality of York Act, 1970**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. This clause defines a merged area in relation to certain financial adjustments which are made under the provisions of the Act. The townships of East Gwillimbury and King were inadvertently omitted.

SECTION 2. This amendment permits the Regional Corporation to contract for the purchase of water from any adjoining regional or metropolitan municipality and prohibits area municipalities entering into such contracts with any municipality.

SECTION 3. The amendment permits the Regional Corporation to contract with adjoining municipalities for the disposal of sewage and land drainage and prohibits the area municipalities entering into such contracts.

SECTION 4. The section is revised to make it clear that the York Regional Police Force is responsible for the enforcement of area by-laws. Where the area by-laws are enforced by by-law enforcement officers, the fines are to belong to the area municipality, otherwise, the fines belong to the Regional Corporation.

**BILL 114****1971**

**An Act to amend  
The Regional Municipality of York Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 1 of *The Regional Municipality of York Act, 1970*, <sup>1970, c. 50,  
s. 1, cl. j.</sup> is amended by adding at the end thereof <sup>amended</sup> “and includes the Township of East Gwillimbury and the Township of King”.

**2.** Section 37 of *The Regional Municipality of York Act, 1970*, <sup>1970, c. 50,  
s. 37,</sup> is amended by adding thereto the following subsection: <sup>amended</sup>

(3) The Regional Corporation may enter into a contract <sup>Purchase of water</sup> for the purchase of water from any adjoining regional or metropolitan municipality, and no area municipality shall, after the 1st day of July, 1971, enter into any such contract with any municipality.

**3.** Subsection 2 of section 58 of *The Regional Municipality of York Act, 1970*, <sup>1970, c. 50,  
s. 58, subs. 2,</sup> is repealed and the following substituted <sup>re-enacted</sup>:

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

**4.** Section 114 of *The Regional Municipality of York Act, 1970*, <sup>1970, c. 50,  
s. 114,</sup> is repealed and the following substituted <sup>re-enacted</sup>:

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

114.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the York Police Board and the members of the York Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the York Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

1970, c. 50,  
s. 119,  
amended

**5.** Section 119 of *The Regional Municipality of York Act*, 1970 is amended by adding thereto the following subsection:

Where no  
last revised  
assessment  
roll

- (1a) Where in any year in an area municipality there is no last revised assessment roll, for the purposes of this Part the assessment roll as returned shall be deemed to be the last revised assessment roll for that year.

1970, c. 50,  
s. 136,  
repealed

**6.** Section 136 of *The Regional Municipality of York Act*, 1970 is repealed.

1970, c. 50,  
s. 158, subs. 6,  
amended

**7.**—(1) Subsection 6 of section 158 of *The Regional Municipality of York Act*, 1970 is amended by inserting after “1961-62” in the first and second lines “and section 47a of *The Ontario Water Resources Commission Act*”, so that the subsection shall read as follows:

Deemed  
county  
for 1961-62.  
c. 18 and  
R.S.O. 1960,  
c. 281, s. 47a

- (6) For the purposes of *The Construction Safety Act*, 1961-62 and section 47a of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

SECTION 5. Many of the area municipalities have no last revised assessment roll and, therefore, this amendment is required.

SECTION 6. The provisions setting out the procedures in relation to hearings by the Ontario Municipal Board are repealed as these matters are now adequately provided for in *The Ontario Municipal Board Act*.

SECTION 7. Subsection 1. Prior to the establishment of The Regional Municipality of York, the County of York had passed a by-law under *The Ontario Water Resources Commission Act* providing for a plumbing inspection system. The amendment will permit the Regional Corporation to continue the inspection system.

Subsection 2. The Regional Corporation is authorized to pass by-laws under paragraph 1 of section 391 of *The Municipal Act* for granting aid to agricultural bodies.

SECTION 8. The amendment is to make it clear that the section applies to members of the York Regional Police Force.

SECTION 9. When the Act was first enacted, it was anticipated that provision would be made in *The Power Commission Act* for hydro electric commissions in regional municipalities. Until that Act is amended, it is necessary to continue the existing hydro electric commissions.

(2) The said section 158 is amended by adding thereto<sup>1970, c. 50,  
s. 158,</sup> amended the following subsection:

(9) Paragraph 1 of section 391 of *The Municipal Act*<sup>Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1</sup> applies *mutatis mutandis* to the Regional Corporation.

**8.** Section 162 of *The Regional Municipality of York Act*,<sup>1970, c. 50,  
s. 162,</sup> amended 1970, is amended by inserting after "employee" in the second line "including a member of the York Regional Police Force", so that the section shall read as follows:

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the York Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.<sup>Payment of  
damages to  
employees  
R.S.O. 1960,  
c. 437</sup>

**9.—(1)** Subsection 2 of section 178 of *The Regional Municipality of York Act*, 1970 is amended by striking out "for<sup>1970, c. 50,  
s. 178, subs. 2,</sup> amended the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(2) Subsection 3 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 3,</sup> amended striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(3) Subsection 4 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 4,</sup> amended striking out "for the year 1971" in the fourth line and inserting in lieu thereof "until such date as the Minister may by order designate".

(4) Subsection 5 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 5,</sup> amended striking out "the 1st day of January, 1972" in the fifth and sixth lines and inserting in lieu thereof "such date as the Minister may by order designate".

(5) Subsection 6 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 6,</sup> amended striking out "the 1st day of January, 1972" in the fourth and fifth lines and inserting in lieu thereof "such date as the Minister may by order designate".

Grant to  
Blue Hills  
Academy  
authorized

**10.** The Regional Corporation may make a grant of \$60,000 to Blue Hills Academy in the Town of Aurora payable in equal instalments in the years 1971 and 1972.

Commencement

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1971*.







**BILL 114**

An Act to amend  
The Regional Municipality of  
York Act, 1970

*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

THE HON. DALTON A. BALES  
Minister of Municipal Affairs

(*Government Bill*)

**BILL 114**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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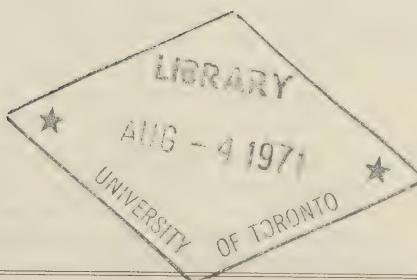
**An Act to amend  
The Regional Municipality of York Act, 1970**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. This clause defines a merged area in relation to certain financial adjustments which are made under the provisions of the Act. The townships of East Gwillimbury and King were inadvertently omitted.

SECTION 2. This amendment permits the Regional Corporation to contract for the purchase of water from any adjoining regional or metropolitan municipality and prohibits area municipalities entering into such contracts with any municipality.

SECTION 3. The amendment permits the Regional Corporation to contract with adjoining municipalities for the disposal of sewage and land drainage and prohibits the area municipalities entering into such contracts.

SECTION 4. The section is revised to make it clear that the York Regional Police Force is responsible for the enforcement of area by-laws. Where the area by-laws are enforced by by-law enforcement officers, the fines are to belong to the area municipality, otherwise, the fines belong to the Regional Corporation.

**BILL 114****1971**

**An Act to amend  
The Regional Municipality of York Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 1 of *The Regional Municipality of York Act, 1970*, <sup>s. 1, cl. j,</sup> c. 50, is amended by adding at the end thereof <sup>amended</sup> "and includes the Township of East Gwillimbury and the Township of King".

**2.** Section 37 of *The Regional Municipality of York Act, 1970*, <sup>s. 37,</sup> c. 50, is amended by adding thereto the following subsection:

(3) The Regional Corporation may enter into a contract <sup>Purchase of water</sup> for the purchase of water from any adjoining regional or metropolitan municipality, and no area municipality shall, after the 1st day of July, 1971, enter into any such contract with any municipality.

**3.** Subsection 2 of section 58 of *The Regional Municipality of York Act, 1970*, <sup>s. 58, subs. 2,</sup> c. 50, is repealed and the following substituted <sup>re-enacted</sup> therefor:

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

**4.** Section 114 of *The Regional Municipality of York Act, 1970*, <sup>s. 114,</sup> c. 50, is repealed and the following substituted therefor:

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

114.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the York Police Board and the members of the York Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the York Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

1970, c. 50,  
s. 119,  
amended

5. Section 119 of *The Regional Municipality of York Act*, 1970 is amended by adding thereto the following subsection:

Where no  
last revised  
assessment  
roll

- (1a) Where in any year in an area municipality there is no last revised assessment roll, for the purposes of this Part the assessment roll as returned shall be deemed to be the last revised assessment roll for that year.

1970, c. 50,  
s. 136,  
repealed

6. Section 136 of *The Regional Municipality of York Act*, 1970 is repealed.

1970, c. 50,  
s. 158, subs. 6,  
re-enacted

7.—(1) Subsection 6 of section 158 of *The Regional Municipality of York Act*, 1970 is repealed and the following substituted therefor:

Deemed  
municipality  
for 1961-62,  
c. 18 and  
R.S.O. 1960,  
c. 281

- (6) For the purposes of *The Construction Safety Act*, 1961-62 and sections 47a and 47b of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 47 and 47c of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a municipality.

SECTION 5. Many of the area municipalities have no last revised assessment roll and, therefore, this amendment is required.

SECTION 6. The provisions setting out the procedures in relation to hearings by the Ontario Municipal Board are repealed as these matters are now adequately provided for in *The Ontario Municipal Board Act*.

SECTION 7. Subsection 1. Prior to the establishment of The Regional Municipality of York, the County of York had passed a by-law under *The Ontario Water Resources Commission Act* providing for a plumbing inspection system. The amendment will permit the Regional Corporation to continue the inspection system.

Subsection 2. The Regional Corporation is authorized to pass by-laws under paragraph 1 of section 391 of *The Municipal Act* for granting aid to agricultural bodies.

SECTION 8. The amendment is to make it clear that the section applies to members of the York Regional Police Force.

SECTION 9. When the Act was first enacted, it was anticipated that provision would be made in *The Power Commission Act* for hydro electric commissions in regional municipalities. Until that Act is amended, it is necessary to continue the existing hydro electric commissions.

(2) The said section 158 is amended by adding thereto<sup>1970, c. 50,  
s. 158,  
amended</sup> the following subsection:

(9) Paragraph 1 of section 391 of *The Municipal Act*<sup>Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1</sup> applies *mutatis mutandis* to the Regional Corporation.

**8.** Section 162 of *The Regional Municipality of York Act*,<sup>1970, c. 50,  
s. 162,  
amended</sup> 1970, is amended by inserting after "employee" in the amended second line "including a member of the York Regional Police Force", so that the section shall read as follows:

162. Where, in an action or by the settlement of a claim<sup>Payment of  
damages to  
employees</sup> arising out of any injury to an employee, including a member of the York Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional<sup>R.S.O. 1960,  
c. 437</sup> Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

**9.—(1)** Subsection 2 of section 178 of *The Regional Municipality of York Act*,<sup>1970, c. 50,  
s. 178, subs. 2,  
amended</sup> 1970, is amended by striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(2) Subsection 3 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 3,  
amended</sup> striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(3) Subsection 4 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 4,  
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(4) Subsection 5 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 5,  
amended</sup> striking out "the 1st day of January, 1972" in the fifth and sixth lines and inserting in lieu thereof "such date as the Minister may by order designate".

(5) Subsection 6 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 6,  
amended</sup> striking out "the 1st day of January, 1972" in the fourth and fifth lines and inserting in lieu thereof "such date as the Minister may by order designate".

Grant to  
Blue Hills  
Academy  
authorized

Commencement

Idem

Short title

**10.** The Regional Corporation may make a grant of \$60,000 to Blue Hills Academy in the Town of Aurora payable in equal instalments in the years 1971 and 1972.



**11.**—(1) This Act, except sections 4 and 7, comes into force on the day it receives Royal Assent.

(2) Sections 4 and 7 shall be deemed to have come into force on the 1st day of January, 1971.

**12.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1971*.







An Act to amend  
The Regional Municipality of  
York Act, 1970

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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(Reprinted as amended by the  
Committee of the Whole House)

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**BILL 114**

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Document

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipality of York Act, 1970**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO  
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 114****1971**

**An Act to amend  
The Regional Municipality of York Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 1 of *The Regional Municipality of York Act, 1970*, <sup>s. 1, cl. j.</sup> ~~c. 50,~~ <sup>1970, c. 50,</sup> is amended by adding at the end thereof <sup>amended</sup> "and includes the Township of East Gwillimbury and the Township of King".

**2.** Section 37 of *The Regional Municipality of York Act, 1970*, <sup>s. 37,</sup> ~~c. 50,~~ <sup>1970, c. 50,</sup> is amended by adding thereto the following subsection: <sup>amended</sup>

(3) The Regional Corporation may enter into a contract <sup>Purchase of water</sup> for the purchase of water from any adjoining regional or metropolitan municipality, and no area municipality shall, after the 1st day of July, 1971, enter into any such contract with any municipality.

**3.** Subsection 2 of section 58 of *The Regional Municipality of York Act, 1970*, <sup>s. 58, subs. 2,</sup> ~~c. 50,~~ is repealed and the following substituted <sup>re-enacted</sup> therefor:

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality. <sup>Contracts for disposal of sewage</sup>

**4.** Section 114 of *The Regional Municipality of York Act, 1970*, <sup>s. 114,</sup> ~~c. 50,~~ is repealed and the following substituted therefor: <sup>re-enacted</sup>

Regional Corporation deemed city under R.S.O. 1960, c. 298

114.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the York Police Board and the members of the York Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the York Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

1970, c. 50, s. 119, amended

**5.** Section 119 of *The Regional Municipality of York Act*, 1970 is amended by adding thereto the following subsection:

Where no last revised assessment roll

(1a) Where in any year in an area municipality there is no last revised assessment roll, for the purposes of this Part the assessment roll as returned shall be deemed to be the last revised assessment roll for that year.

1970, c. 50, s. 136, repealed

**6.** Section 136 of *The Regional Municipality of York Act*, 1970 is repealed.

1970, c. 50, s. 158, subs. 6, re-enacted

**7.**—(1) Subsection 6 of section 158 of *The Regional Municipality of York Act*, 1970 is repealed and the following substituted therefor:

Deemed municipality for 1961-62, c. 18 and R.S.O. 1960, c. 281

(6) For the purposes of *The Construction Safety Act*, 1961-62 and sections 47a and 47b of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 47 and 47c of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a municipality.

(2) The said section 158 is amended by adding thereto<sup>1970, c. 50,  
s. 158,  
amended</sup> the following subsection:

(9) Paragraph 1 of section 391 of *The Municipal Act*<sup>Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1</sup> applies *mutatis mutandis* to the Regional Corporation.

**8.** Section 162 of *The Regional Municipality of York Act*,<sup>1970, c. 50,  
s. 162,  
amended</sup> is amended by inserting after "employee" in the second line "including a member of the York Regional Police Force", so that the section shall read as follows:

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the York Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.<sup>Payment of  
damages to  
employees  
R.S.O. 1960,  
c. 437</sup>

**9.—(1)** Subsection 2 of section 178 of *The Regional Municipality of York Act*,<sup>1970, c. 50,  
s. 178, subs. 2,  
amended</sup> is amended by striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(2) Subsection 3 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 3,  
amended</sup> striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

(3) Subsection 4 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 4,  
amended</sup> striking out "for the year 1971" in the fourth line and inserting in lieu thereof "until such date as the Minister may by order designate".

(4) Subsection 5 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 5,  
amended</sup> striking out "the 1st day of January, 1972" in the fifth and sixth lines and inserting in lieu thereof "such date as the Minister may by order designate".

(5) Subsection 6 of the said section 178 is amended by<sup>1970, c. 50,  
s. 178, subs. 6,  
amended</sup> striking out "the 1st day of January, 1972" in the fourth and fifth lines and inserting in lieu thereof "such date as the Minister may by order designate".

Grant to  
Blue Hills  
Academy  
authorized

**10.** The Regional Corporation may make a grant of \$60,000 to Blue Hills Academy in the Town of Aurora payable in equal instalments in the years 1971 and 1972.

Commencement

**11.**—(1) This Act, except sections 4 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 7 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

**12.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1971.*



**BILL 114**

An Act to amend  
The Regional Municipality of  
York Act, 1970

*1st Reading*

July 8th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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CAZON  
XB  
-B56

**BILL 115**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend  
The District Municipality of Muskoka Act, 1970**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. This section contains detailed provisions for the holding of public hearings by the Ontario Municipal Board. Adequate provision therefor is now made in *The Ontario Municipal Board Act*.

SECTION 2. The District Corporation is authorized to pass by-laws under section 391 of *The Municipal Act* for granting aid to agricultural bodies.

SECTION 3. These three amendments are required to continue the existing hydro electric operations until such time as *The Power Commission Act* is amended to provide for this matter.

**BILL 115****1971**

**An Act to amend  
The District Municipality of Muskoka Act, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 116 of *The District Municipality of Muskoka Act, 1970* is repealed. 1970, c. 32.  
s. 116  
repealed

**2.** Section 138 of *The District Municipality of Muskoka Act, 1970* is amended by adding thereto the following subsection:

(7) Paragraph 1 of section 391 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1

**3.—(1)** Subsection 2 of section 160 of *The District Municipality of Muskoka Act, 1970* is amended by striking out “for the year 1971” in the fourth line and inserting in lieu thereof “until such date as the Minister may by order designate”. 1970, c. 32.  
s. 160, subs. 2,  
amended

(2) Subsection 3 of the said section 160 is amended by striking out “the 1st day of January, 1972” in the fifth and sixth lines and inserting in lieu thereof “such date as the Minister may by order designate”. 1970, c. 32.  
s. 160, subs. 3,  
amended

(3) Subsection 4 of the said section 160 is amended by striking out “the 1st day of January, 1972” in the fourth and fifth lines and inserting in lieu thereof “such date as the Minister may by order designate”. 1970, c. 32.  
s. 160, subs. 4,  
amended

**4.** This Act comes into force on the day it receives Royal Assent. Commencement

**5.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1971*. Short title

An Act to amend  
The District Municipality  
of Muskoka Act, 1970

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Government Bill)*

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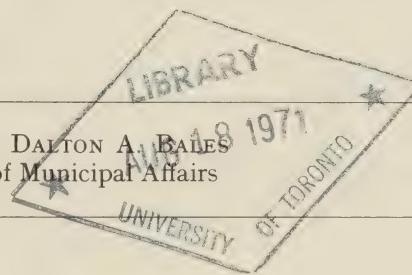
**BILL 115**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The District Municipality of Muskoka Act, 1970**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



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TORONTO

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1970, c. 32.  
s. 116,  
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2. Section 138 of *The District Municipality of Muskoka Act, 1970* is amended by adding thereto the following subsection:  
  - (7) Paragraph 1 of section 391 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.  
Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1
- 3.—(1) Subsection 2 of section 160 of *The District Municipality of Muskoka Act, 1970* is amended by striking out “for the year 1971” in the fourth line and inserting in lieu thereof “until such date as the Minister may by order designate”.  
1970, c. 32,  
s. 160, subs. 2,  
amended
- (2) Subsection 3 of the said section 160 is amended by striking out “the 1st day of January, 1972” in the fifth and sixth lines and inserting in lieu thereof “such date as the Minister may by order designate”.  
1970, c. 32,  
s. 160, subs. 3,  
amended
- (3) Subsection 4 of the said section 160 is amended by striking out “the 1st day of January, 1972” in the fourth and fifth lines and inserting in lieu thereof “such date as the Minister may by order designate”.  
1970, c. 32,  
s. 160, subs. 4,  
amended
4. This Act comes into force on the day it receives Royal Assent.  
Commencement
5. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1971*.  
Short title

An Act to amend  
The District Municipality  
of Muskoka Act, 1970

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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**BILL 116****Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipality of Niagara Act, 1968-69**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendments are to permit the Regional Corporation to reapportion the initial capital cost of a sewage works following an extension or improvement of such works.

SECTION 2. The section is revised to make it clear that the Niagara Regional Police Force is responsible for the enforcement of area by-laws. Where the area by-laws are enforced by by-law enforcement officers the fines are to belong to the area municipality, otherwise the fines belong to the Regional Corporation.

**BILL 116****1971**

**An Act to amend  
The Regional Municipality of  
Niagara Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 57 of *The Regional Municipality of Niagara Act, 1968-69* c. 106, s. 57, is repealed and the following substituted therefor:

- (1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.
- (1a) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

**2.** Section 116 of *The Regional Municipality of Niagara Act, 1968-69*, c. 106, s. 116, as amended by section 4 of *The Regional Municipality of Niagara Amendment Act, 1970*, is repealed and the following substituted therefor:

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

116.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Niagara Police Board and the members of the Niagara Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Application  
of fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Niagara Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

1968-69,  
c. 106, s. 117  
(1968-69,  
c. 107, s. 5),  
subs. 2-4,  
re-enacted

**3.** Subsections 2, 3 and 4 of section 117 of *The Regional Municipality of Niagara Act, 1968-69*, as re-enacted by section 5 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, are repealed and the following substituted therefor:

Expenses of  
Niagara  
Police  
Board for  
purpose of  
1971 levy

- (2) For the purpose of subsection 3, the expenses for the year 1970 of the board of commissioners of police for each area municipality shall be deemed to be those expenditures borne by an area municipality in accordance with subsection 1 and such additional amount in respect of the use of accommodation and other facilities of an area municipality as may be agreed upon between the financial officer of the Regional Corporation and the treasurer of the area municipality.

Apportion-  
ment in 1971

- (3) The amount determined under subsection 2 for an area municipality shall be increased by an amount equivalent to the sum credited to the area municipality under clause c of subsection 1 of section 3 of *The Regional Municipal Grants Act, 1970* and the total amount so determined for the area municipality shall be the amount levied by the Regional Corporation in the year 1971 under section 126 against the area municipality for the expenses of the Niagara Police Board.

1970, c. 15

SECTION 3. The amendment provides that until such time as adequate police service can be provided by the Niagara Regional Police Force to all area municipalities special consideration will be given to the apportionment of the police levy among the area municipalities.

SECTION 4. The new section authorizes the Niagara Police Board to pass by-laws licensing cab drivers, taxi-cab brokers, salvage yards, etc. These provisions are similar to paragraphs 1 and 6 of section 395 and of section 396 of *The Municipal Act*. The area municipalities are relieved of the responsibility for such licensing.

- (4) If the total of the amounts levied against the area municipalities under subsection 3 is not sufficient to cover the total expenses in the year 1971 of the Niagara Police Board, the additional amount shall be levied against the area municipalities in accordance with section 126.
- (5) In the years 1972 to 1975 inclusive, notwithstanding the provisions of section 126 respecting apportionment, the Regional Council shall by by-law in each year, approved by the Department, apportion the estimated expenses of the Niagara Police Board for such year to be levied against and in each area municipality. Apportionment for 1972-1975
- (6) The area municipality may pay the amounts chargeable to it in each year for the expenses of the Niagara Police Board in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126, out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Rates for expenses of Niagara Police Board
- (7) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 6 to lands and buildings used exclusively for farming purposes. Farm lands

**4. The Regional Municipality of Niagara Act, 1968-69** 1968-69, c. 106, amended  
is amended by adding thereto the following section:

- 121a.—(1)** Notwithstanding subsection 2b of section 183, the provisions of paragraphs 1 and 6 of section 395 and section 396 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, c. 249, ss. 395, 396 to area municipalities
- (2)** The Niagara Police Board may pass by-laws applicable to one or more area municipalities: By-laws by Niagara Police Board
1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality Teamsters, cab owners and drivers, etc.

or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

**Insurance  
for teamsters,  
cab owners,  
etc.**

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any licence issued under paragraph 1.

**Taxi-cab  
brokers**

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.

**Salvage  
shops, etc.**

4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,



SECTION 5. The new section will permit area municipalities to combine two or more defined areas in respect of a particular service and provide a special area charge in the combined area.

- (ii) "salvage yard" includes an automobile wrecking yard or premises,
  - (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.
- (3) All licence fees payable under any by-law enacted under subsection 2 are payable to the Regional Corporation.

**5. The Regional Municipality of Niagara Act, 1968-69** 1968-69,  
c. 106,  
amended

is amended by adding thereto the following section:

**132a.—(1) In this section,**

Interpre-  
tation

(a) "defined area" means an area within a municipality in which a special area charge is levied;

(b) "service" means,

(i) street lighting,

- (ii) distribution of water,
  - (iii) the collection, removal and disposal of ashes or garbage or other refuse,
  - (iv) the collection and disposal of sewage and land drainage,
  - (v) fire protection, or
  - (vi) such other service or services that the Minister may, by order, determine;
- (c) “special area charge” means any charge in respect of the cost of operation, repair and maintenance of a service mentioned in clause b and includes any charge in respect of depreciation, deferred maintenance or a reserve fund for any such purpose.

**Consolidation  
of defined  
areas and  
service area  
charges**

- (2) Notwithstanding the provisions of this Act or any other general or special Act, where two or more defined areas in respect of a particular service are located in an area municipality, the council of the area municipality may, by by-law, consolidate two or more such defined areas and levy a special area charge in respect of the costs of the service.

1968-69,  
c. 106, s. 141,  
repealed

**6.** Section 141 of *The Regional Municipality of Niagara Act, 1968-69* is repealed.

1968-69,  
c. 106, s. 161,  
repealed

**7.** Section 161 of *The Regional Municipality of Niagara Act, 1968-69* is repealed.

1968-69,  
c. 106, s. 163,  
amended

**8.** Section 163 of *The Regional Municipality of Niagara Act, 1968-69*, as amended by section 6 of *The Regional Municipality of Niagara Amendment Act, 1968-69* and section 8 of *The Regional Municipality of Niagara Amendment Act, 1970*, is further amended by adding thereto the following subsection:

Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1

- (9) Paragraph 1 of section 391 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

1968-69,  
c. 106, s. 167,  
amended

**9.** Section 167 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after “employee” in the second line “including a member of the Niagara Regional Police Force”, so that the section shall read as follows:

Payment of  
damages to  
employees

- 167.** Where in an action or by the settlement of a claim arising out of an injury to an employee, including

SECTION 6. The provisions setting out the procedures in relation to hearings and dispensation of hearings by the Ontario Municipal Board are repealed as these matters are now adequately provided for in *The Ontario Municipal Board Act*.

SECTION 7. Section 161 provides a limitation on the amount of indebtedness of any area municipality under *The Tile Drainage Act*. Under *The Tile Drainage Act, 1971*, the limitation of indebtedness is removed. Section 161 is, therefore, no longer necessary.

SECTION 8. The Regional Corporation is authorized to pass by-laws under section 391 of *The Municipal Act* for granting aid to agricultural bodies.

SECTION 9. Section 167 is extended to apply to members of the Niagara Regional Police Force.

SECTION 10. The amendments continue the present hydro commissioners in office until such time as the Minister may designate.

a member of the Niagara Regional Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

**10.** Subsections 3 and 4 of section 182 of *The Regional Municipality of Niagara Act, 1968-69*,<sup>c. 106, s. 182,</sup> as amended by section 9<sup>subss. 3, 4,</sup> of *The Regional Municipality of Niagara Amendment Act, 1970*,<sup>re-enacted</sup> are repealed and the following substituted therefor:

- (3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until such date as the Minister may by order designate to distribute and sell power within such area.  
Distribution of electrical power
- (4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until such date as the Minister may by order designate and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.  
Members of commissions continued in office

**11.**—(1) This Act, except section 9, comes into force on the day it receives Royal Assent.  
Commencement

(2) Section 9 shall be deemed to have come into force <sup>Idem</sup> on the 1st day of January, 1971.

**12.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1971*.  
Short title

# **BILL 116**

An Act to amend  
The Regional Municipality of  
Niagara Act, 1968-69

*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Government Bill)*

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**BILL 116**

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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Regional Municipality of Niagara Act, 1968-69**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 116****1971**

**An Act to amend  
The Regional Municipality of  
Niagara Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 57 of *The Regional Municipality of Niagara Act, 1968-69* c. 106, s. 57, is repealed and the following substituted therefor: subs. 1, re-enacted

- (1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit
- (1a) When an area municipality receives a special benefit Idem by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.
- 2.** Section 116 of *The Regional Municipality of Niagara Act, 1968-69*, c. 106, s. 116, as amended by section 4 of *The Regional Municipality of Niagara Amendment Act, 1970*, is repealed and the following substituted therefor: re-enacted

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

116.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Niagara Police Board and the members of the Niagara Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Application  
of fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Niagara Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

1968-69,  
c. 106, s. 117  
(1968-69,  
c. 107, s. 5),  
subs. 2-4,  
re-enacted

**3.** Subsections 2, 3 and 4 of section 117 of *The Regional Municipality of Niagara Act, 1968-69*, as re-enacted by section 5 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, are repealed and the following substituted therefor:

Expenses of  
Niagara  
Police  
Board for  
purpose of  
1971 levy

- (2) For the purpose of subsection 3, the expenses for the year 1970 of the board of commissioners of police for each area municipality shall be deemed to be those expenditures borne by an area municipality in accordance with subsection 1 and such additional amount in respect of the use of accommodation and other facilities of an area municipality as may be agreed upon between the financial officer of the Regional Corporation and the treasurer of the area municipality.

Apportion-  
ment in 1971

- (3) The amount determined under subsection 2 for an area municipality shall be increased by an amount equivalent to the sum credited to the area municipality under clause c of subsection 1 of section 3 of *The Regional Municipal Grants Act, 1970* and the total amount so determined for the area municipality shall be the amount levied by the Regional Corporation in the year 1971 under section 126 against the area municipality for the expenses of the Niagara Police Board.

1970, c. 15

- (4) If the total of the amounts levied against the area municipalities under subsection 3 is not sufficient to cover the total expenses in the year 1971 of the Niagara Police Board, the additional amount shall be levied against the area municipalities in accordance with section 126.
- (5) In the years 1972 to 1975 inclusive, notwithstanding the provisions of section 126 respecting apportionment, the Regional Council shall by by-law in each year, approved by the Department, apportion the estimated expenses of the Niagara Police Board for such year to be levied against and in each area municipality. Apportionment for 1972-1975
- (6) The area municipality may pay the amounts chargeable to it in each year for the expenses of the Niagara Police Board in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126, out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Rates for expenses of Niagara Police Board
- (7) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 6 to lands and buildings used exclusively for farming purposes. Farm lands

**4. The Regional Municipality of Niagara Act, 1968-69** 1968-69, c. 106, amended

is amended by adding thereto the following section:

- 121a.—(1) Notwithstanding subsection 2b of section 183, the provisions of paragraphs 1 and 6 of section 395 and section 396 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, c. 249, ss. 395, 396 to area municipalities
- (2) The Niagara Police Board may pass by-laws applicable to one or more area municipalities: By-laws by Niagara Police Board
1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality Teamsters, cab owners and drivers, etc.

or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

**Insurance  
for teamsters,  
cab owners,  
etc.**

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any licence issued under paragraph 1.

**Taxi-cab  
brokers**

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.

**Salvage  
shops, etc.**

4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,

- (ii) "salvage yard" includes an automobile wrecking yard or premises,
  - (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.
- (3) All licence fees payable under any by-law enacted under subsection 2 are payable to the Regional Corporation.

**5.** *The Regional Municipality of Niagara Act, 1968-69* 1968-69  
c. 106,  
amended

- is amended by adding thereto the following section:
- 132a.—(1) In this section,
- Interpre-  
tion
- (a) "defined area" means an area within a municipality in which a special area charge is levied;
  - (b) "service" means,
    - (i) street lighting,

- (ii) distribution of water,
  - (iii) the collection, removal and disposal of ashes or garbage or other refuse,
  - (iv) the collection and disposal of sewage and land drainage,
  - (v) fire protection, or
  - (vi) such other service or services that the Minister may, by order, determine;
- (c) “special area charge” means any charge in respect of the cost of operation, repair and maintenance of a service mentioned in clause b and includes any charge in respect of depreciation, deferred maintenance or a reserve fund for any such purpose.

**Consolidation  
of defined  
areas and  
service area  
charges**

- (2) Notwithstanding the provisions of this Act or any other general or special Act, where two or more defined areas in respect of a particular service are located in an area municipality, the council of the area municipality may, by by-law, consolidate two or more such defined areas and levy a special area charge in respect of the costs of the service.

**1968-69,  
c. 106, s. 141,  
repealed**

**6.** Section 141 of *The Regional Municipality of Niagara Act, 1968-69* is repealed.

**1968-69,  
c. 106, s. 161,  
repealed**

**7.** Section 161 of *The Regional Municipality of Niagara Act, 1968-69* is repealed.

**1968-69,  
c. 106, s. 163,  
amended**

**8..** Section 163 of *The Regional Municipality of Niagara Act, 1968-69*, as amended by section 6 of *The Regional Municipality of Niagara Amendment Act, 1968-69* and section 8 of *The Regional Municipality of Niagara Amendment Act, 1970*, is further amended by adding thereto the following subsection:

**Application  
of R.S.O. 1960,  
c. 249, s. 391,  
par. 1**

- (9) Paragraph 1 of section 391 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

**1968-69,  
c. 106, s. 167,  
amended**

**9.** Section 167 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after “employee” in the second line “including a member of the Niagara Regional Police Force”, so that the section shall read as follows:

**Payment of  
damages to  
employees**

167. Where in an action or by the settlement of a claim arising out of an injury to an employee, including

a member of the Niagara Regional Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

**10.** Subsections 3 and 4 of section 182 of *The Regional Municipality of Niagara Act, 1968-69*, c. 106, s. 182, as amended by section 9 <sup>R.S.O. 1960, c. 437</sup> <sub>subs. 3, 4,</sub> re-enacted of *The Regional Municipality of Niagara Amendment Act, 1970*, are repealed and the following substituted therefor:

- (3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or <sup>Distribution of electrical power</sup> a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until such date as the Minister may by order designate to distribute and sell power within such area.
- (4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until such date as the Minister may by order designate and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. <sup>Members of commissions continued in office</sup>

**11.**—(1) This Act, except section 9, comes into force on <sup>Commencement</sup> the day it receives Royal Assent.

(2) Section 9 shall be deemed to have come into force <sup>Idem</sup> on the 1st day of January, 1971.

**12.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1971*. <sup>Short title</sup>





**BILL 116**

An Act to amend  
The Regional Municipality of  
Niagara Act, 1968-69

*1st Reading*

July 8th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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**BILL 117**

Government  
Publications  
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to regulate the Exploration and Drilling for,  
and the Production and Storage of Oil and Gas**

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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TORONTO

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#### EXPLANATORY NOTE

The Bill incorporates that portion of the present *Energy Act, 1964* that applies to the exploration, drilling for and production of oil and gas.

The principal changes include:

1. The powers and duties of inspectors are set out more precisely and will be equivalent to those of inspectors under the Bill that incorporates that portion of *The Energy Act, 1964* that applies to the transmission, distribution, handling and use of hydrocarbons.
2. The power to regulate the use of the subsurface for the disposal of industrial wastes is removed; this responsibility is now assumed by the Department of Energy and Resources Management.
3. The responsibility with respect to imposing conditions and granting and renewing or suspending licences and permits is vested in the Minister, subject to the right of any person affected thereby to require a prior hearing and report thereon to the Minister by the Ontario Energy Board; a right of appeal is provided from the Minister's decision to the Lieutenant Governor in Council as recommended in the Report on the Inquiry into Civil Rights.

**BILL 117****1971**

**An Act to regulate  
the Exploration and Drilling for, and the  
Production and Storage of Oil and Gas**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpreta-  
tion

1. "Board" means the Ontario Energy Board;
2. "Department" means the Department of Mines and Northern Affairs;
3. "gas" means natural gas;
4. "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes a chief inspector;
5. "licence" means a licence issued under this Act;
6. "Minister" means the Minister of Mines and Northern Affairs;
7. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
8. "operator",
  - (i) when used in respect of any operations carried on for the purpose of drilling or plugging a well, means a person who has the right as lessee, sub-lessee, assignee or owner to carry on the drilling or plugging operations, and the person who has the control or management of such operations, and

- (ii) when used in respect of a well, means a person who has the right as lessee, sub-lessee, assignee or owner to the production from the well, and the person who has the control and management thereof, provided that such person either drilled or produced the well;
- 9. "permit" means a permit issued under this Act;
- 10. "pool" means an underground accumulation of oil or gas or both, separated or appearing to be separated from any other such underground accumulation;
- 11. "prescribed" means prescribed by a regulation;
- 12. "regulation" means a regulation made under this Act;
- 13. "spacing unit" means a surface area established by a regulation for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation;
- 14. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no oil or gas is encountered that is drilled for the production of fresh water;
- 15. "work" means a pipe line or a well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

**Appointment of inspectors**  
1961-62, c. 121

**2.—(1)** One or more chief inspectors and inspectors may be appointed under *The Public Service Act, 1961-62* for the purpose of this Act and the regulations.

**Certificate of appointment and identification**

**(2)** The Minister shall issue to every inspector a certificate of his appointment and identification.

**Validity of certificate**

**(3)** A certificate purporting to bear the signature of the Minister shall be deemed to have been signed by the Minister.

**Production of certificate**

**(4)** Every inspector, in the execution of any of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

**Powers of inspector**

**3.—(1)** An inspector may, for the purpose of carrying out his duties under this Act and the regulations,

**(a)** subject to subsection 2, enter in or upon any premises at any time without warrant;

- (b) take up or use at any time any work or part thereof;
- (c) require the production of any drawing or specification of a work or any part thereof or any licence, permit, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or part thereof or the handling or use thereof;
- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or a part thereof or the handling or use thereof;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the operator or user being notified thereof.

(2) An inspector shall not enter any room or place <sup>Warrant</sup> actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*.

R.S.O. 1960,  
c. 387

**4.**—(1) No person shall hinder, obstruct, molest or interfere <sup>Obstruction of inspector</sup> with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations.

(2) Every person shall furnish all necessary means in his <sup>Assistance of inspector</sup> power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

(3) No person shall neglect or refuse to produce a licence, <sup>Refusal to produce</sup> permit, drawing, specification, record or report as required by an inspector under clause *c* of subsection 1 of section 3.

(4) No person shall furnish an inspector with false information <sup>False information</sup> or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.

**5.**—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the <sup>Information confidential</sup>

powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

**Compel-lability in civil suit**

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement, or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

**Exception**

(3) The Minister may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

**Liability of inspector**

**6.**—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

**Liability of Crown**

1962-63,  
c. 109

(2) Subsection 1 does not, by reasons of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

**Directions by inspectors where non-compliance**

**7.**—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

**Idem**

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention.

**Affixing tags**

- (3) Where an inspector gives an order under this section, he,
- (a) may order that the work shall not be used until the order is complied with;
  - (b) may affix a tag in the prescribed form to the work and no person, except the inspector, shall remove the tag; and
  - (c) shall notify in writing the operator, owner or person in charge of the work of the affixing of the tag.

(4) No person shall knowingly remove oil or gas from or supply oil or gas to a work to which a tag is attached. Use of tagged work

(5) No person shall use a work to which a tag is attached. Idem

(6) Any person who considers himself aggrieved by a decision or order of an inspector made under this section may appeal to a chief inspector who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal. Appeal from inspector

(7) An appeal to a chief inspector may be made in writing or orally by telephone, but the chief inspector so notified may require the grounds for appeal to be in writing before the appeal is heard. Oral or written

(8) On appeal under this section, the chief inspector notified may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the chief inspector shall stand in place of and have the like effect under this Act as the decision or order of the inspector. Powers of chief inspector

**8.—(1)** No person shall,

No exploring,  
leasing or  
producing  
without  
licence

(a) conduct geophysical or geochemical exploration for oil or gas; or

(b) lease oil or gas rights except from the Crown; or

(c) produce oil or gas for sale,

unless he is the holder of a licence for such purpose.

(2) Failure to comply with subsection 1 does not affect the validity of any contract. Contracts not affected

**9.** No person shall operate a machine for boring, drilling, deepening or plugging wells unless the machine is licensed. No machine to be operated without licence

**10.** No person shall bore, drill or deepen a well unless he is the holder of a permit for such purpose. No well to be bored, etc., without permit

**11.—(1)** No person shall repressurize, maintain pressure in or flood any geological formation by the injection of oil, gas, water or other substance unless he is the holder of a permit for such purpose. Permit required to inject gas, etc.

**Exception** (2) Subsection 1 does not apply to a person who injects gas for storage in a designated gas storage area.

**Referral of application for permits to Board** (3) The Minister may refer to the Board for a report any application for a permit under subsection 1 if in his opinion the circumstances so require, but he shall so refer it if the point of injection is within one mile of a designated gas storage area.

**Hearing** (4) Where an application is referred to the Board under this section, the Board shall hold a hearing before reporting to the Minister,

- (a) if the point of injection is within one mile of a designated gas storage area; or
- (b) if in the opinion of the Board, the circumstances of the case so require.

**Responsibility for compliance with Act** **12.** Every operator shall take every precaution reasonable in the circumstances to ensure that his employees and agents comply with this Act and the regulations.

**Grant of licence, etc.** **13.**—(1) Subject to section 23 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant a licence or permit, and he may, in so doing, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but before granting a licence or permit he may, and if requested by the applicant, he shall refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.

**Renewal of licence, etc.** (2) The Minister may grant a renewal of a licence or permit in whole or in part, and he may, in granting a renewal of a licence or permit, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but if, in refusing to grant, or in granting such a renewal, he imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.

**Renewal, suspension of licence, etc.** **14.**—(1) Where a person contravenes any provision of section 19, the Minister may refuse to grant a licence or permit, the renewal of any of them, or suspend or cancel a licence or permit or may, in granting or renewing a licence or permit, impose such terms and conditions as he considers proper but before doing so he may refer the matter to the Board, in which case the Board shall report to him thereon.

(2) Where the Minister does not refer the matter to the Board, any person aggrieved thereby may apply to the Board for a hearing, in which case the Board shall hold a hearing and report thereon to the Minister.

**15.** Where a hearing is held pursuant to section 13 or 14, the Board shall send to each of the parties a copy of its report to the Minister within ten days after submitting it to the Minister.

**16.** Where, following a hearing and report by the Board pursuant to section 13 or 14, the Minister refuses to grant or renew a licence or permit, or imposes terms and conditions on a licence or permit, upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of the Minister's decision, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of such decision; or
- (b) require the Board to hold a new hearing on the matter and report to the Minister thereon,

and the decision of the Minister after the hearing and report ordered under clause b is not subject to petition under this section.

**17.—(1)** The Lieutenant Governor in Council may make regulations,

- (a) for the conservation of oil or gas;
- (b) prescribing areas where drilling for oil or gas is prohibited;
- (c) prescribing the terms and conditions of oil and gas production leases and gas storage leases or any part thereof, excluding those relating to Crown lands, and providing for the making of statements or reports thereon;
- (d) regulating the location and spacing of wells;
- (e) providing for the establishment and designation of spacing units and regulating the location of wells in spacing units and requiring the joining of the various interests within a spacing unit or pool;
- (f) prescribing the methods, equipment and materials to be used in boring, drilling, completing, servicing, plugging or operating wells;

- (g) requiring operators to preserve and furnish to the Department drilling and production samples and cores;
- (h) requiring operators to furnish to the Department reports, returns and other information;
- (i) requiring dry or unplugged wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
- (j) regulating the use of wells and the use of the subsurface for the disposal of brine produced in association with oil and gas drilling and production operations.

General regulations

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) providing for the issue of licences and permits;
  - (b) prescribing classes of licences and permits, and prescribing standard terms and conditions upon which licences and permits may be issued;
  - (c) prescribing the fee payable for any licence or permit;
  - (d) prescribing forms and tags and providing for their use;
  - (e) requiring and providing for the bonding or insuring of holders of licences or permits;
  - (f) requiring and providing for guarantees or other security by bond or other means that works commenced under licence or permit will be completed in accordance with this Act and the regulations;
  - (g) respecting the completion, correction or removal of works by an operator, or by the Minister upon the operator's default, and respecting the recovery of costs thereby incurred;
  - (h) providing for the Minister to take possession of a work not complying with this Act and the regulations and to take such measures as are necessary to make the work comply with this Act and the regulations, and to recover any resulting expenses by action in a court of competent jurisdiction or by the sale of all or part of the work or by providing that such expenses are a lien and charge upon the estate or interest

of the operator in the land upon which the work is situate, and that the amount thereof shall be entered by the clerk of the municipality upon the collector's roll and be collected in the same way, as nearly as may be, as municipal taxes are collected;

(i) requiring and providing for the keeping of records and the making of returns, statements or reports on the exploration, leasing, drilling for or production of oil or gas or the storage of oil or gas;

(j) regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, storage and measurement, of oil or gas;

(k) for any matter provided in this Act to be done by regulation.

(3) Any regulation may be general or particular in its <sup>Scope of regulations</sup> application.

**18.**—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. <sup>Conflict with other Acts</sup> <sup>1964, c. 74</sup>

(2) This Act and the regulations prevail over any municipal by-law. <sup>Idem, with by-laws</sup>

**19.** Every person who,

<sup>Offences and penalties</sup>

(a) contravenes or fails to comply with any provision of this Act or a regulation;

(b) knowingly makes a false statement in any document prescribed by a regulation;

(c) fails to carry out the instructions of any inspector;

(d) unlawfully tampers or interferes with any work or portion thereof;

(e) wastes or causes to be wasted or permits loss or disposes of any oil or gas in any manner which results in a hazard to public health or safety, or results in air, land or water pollution; or

(f) wilfully delays or obstructs an inspector in the execution of his duties under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Existing  
licences, etc.

**20.** Every licence and permit, issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act.

Act  
supersedes  
1964, c. 27

**21.** This Act applies notwithstanding *The Energy Act, 1964*.

Commencement

**22.** This Act comes into force on the day it receives Royal Assent.

Short title

**23.** This Act may be cited as *The Petroleum Resources Act, 1971*.







An Act to regulate  
the Exploration and Drilling for,  
and the Production and Storage  
of Oil and Gas

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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(*Government Bill*)

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**BILL 117**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,
- Interpreta-tion
1. "Board" means the Ontario Energy Board;
  2. "Department" means the Department of Mines and Northern Affairs;
  3. "gas" means natural gas;
  4. "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes a chief inspector;
  5. "licence" means a licence issued under this Act;
  6. "Minister" means the Minister of Mines and Northern Affairs;
  7. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
  8. "operator",
    - (i) when used in respect of any operations carried on for the purpose of drilling or plugging a well, means a person who has the right as lessee, sub-lessee, assignee or owner to carry on the drilling or plugging operations, and the person who has the control or management of such operations, and

- (ii) when used in respect of a well, means a person who has the right as lessee, sub-lessee, assignee or owner to the production from the well, and the person who has the control and management thereof, provided that such person either drilled or produced the well;
- 9. "permit" means a permit issued under this Act;
- 10. "pool" means an underground accumulation of oil or gas or both, separated or appearing to be separated from any other such underground accumulation;
- 11. "prescribed" means prescribed by a regulation;
- 12. "regulation" means a regulation made under this Act;
- 13. "spacing unit" means a surface area established by a regulation for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation;
- 14. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no oil or gas is encountered that is drilled for the production of fresh water;
- 15. "work" means a pipe line or a well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

Appointment  
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1961-62, c. 121

**2.**—(1) One or more chief inspectors and inspectors may be appointed under *The Public Service Act, 1961-62* for the purpose of this Act and the regulations.

Certificate of  
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(2) The Minister shall issue to every inspector a certificate of his appointment and identification.

Validity of  
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(3) A certificate purporting to bear the signature of the Minister shall be deemed to have been signed by the Minister.

Production of  
certificate

(4) Every inspector, in the execution of any of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

Powers of  
inspector

**3.**—(1) An inspector may, for the purpose of carrying out his duties under this Act and the regulations,

(a) subject to subsection 2, enter in or upon any premises at any time without warrant;

- (b) take up or use at any time any work or part thereof;
- (c) require the production of any drawing or specification of a work or any part thereof or any licence, permit, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or part thereof or the handling or use thereof;
- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or a part thereof or the handling or use thereof;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the operator or user being notified thereof.

(2) An inspector shall not enter any room or place <sup>Warrant</sup> actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*.

R.S.O. 1960,  
c. 387

**4.—(1)** No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. <sup>Obstruction of inspector</sup>

(2) Every person shall furnish all necessary means in his <sup>Assistance of inspector</sup> power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

(3) No person shall neglect or refuse to produce a licence, permit, drawing, specification, record or report as required by an inspector under clause c of subsection 1 of section 3. <sup>Refusal to produce</sup>

(4) No person shall furnish an inspector with false information <sup>False information</sup> or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.

**5.—(1)** An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the <sup>Information confidential</sup>

powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

**Compel-  
ability in  
civil suit**

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement, or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

**Exception**

(3) The Minister may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

**Liability of  
inspector**

**6.**—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

**Liability of Crown  
1962-63,  
c. 109**

(2) Subsection 1 does not, by reasons of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

**Directions  
by inspectors  
where  
non-  
compliance**

**7.**—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

**Idem**

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention.

**Affixing  
tags**

- (3) Where an inspector gives an order under this section, he,
- (a) may order that the work shall not be used until the order is complied with;
  - (b) may affix a tag in the prescribed form to the work and no person, except the inspector, shall remove the tag; and
  - (c) shall notify in writing the operator, owner or person in charge of the work of the affixing of the tag.

(4) No person shall knowingly remove oil or gas from or supply oil or gas to a work to which a tag is attached.

(5) No person shall use a work to which a tag is attached. Idem

(6) Any person who considers himself aggrieved by a decision or order of an inspector made under this section may appeal to a chief inspector who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

(7) An appeal to a chief inspector may be made in writing or orally by telephone, but the chief inspector so notified may require the grounds for appeal to be in writing before the appeal is heard.

(8) On appeal under this section, the chief inspector notified may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the chief inspector shall stand in place of and have the like effect under this Act as the decision or order of the inspector.

**8.—(1)** No person shall,

No exploring,  
leasing or  
producing  
without

(a) conduct geophysical or geochemical exploration for oil or gas; or

(b) lease oil or gas rights except from the Crown; or

(c) produce oil or gas for sale,

unless he is the holder of a licence for such purpose.

(2) Failure to comply with subsection 1 does not affect the validity of any contract.

**9.** No person shall operate a machine for boring, drilling, deepening or plugging wells unless the machine is licensed.

No machine  
to be operated  
without  
licence

**10.** No person shall bore, drill or deepen a well unless he is the holder of a permit for such purpose.

No well to be  
bored, etc.,  
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**11.—(1)** No person shall repressurize, maintain pressure in or flood any geological formation by the injection of oil, gas, water or other substance unless he is the holder of a permit for such purpose.

Permit  
required to  
inject gas, etc.

Exception	(2) Subsection 1 does not apply to a person who injects gas for storage in a designated gas storage area.
Referral of application for permits to Board	(3) The Minister may refer to the Board for a report any application for a permit under subsection 1 if in his opinion the circumstances so require, but he shall so refer it if the point of injection is within one mile of a designated gas storage area.
Hearing	(4) Where an application is referred to the Board under this section, the Board shall hold a hearing before reporting to the Minister, <ul style="list-style-type: none"> <li>(a) if the point of injection is within one mile of a designated gas storage area; or</li> <li>(b) if in the opinion of the Board, the circumstances of the case so require.</li> </ul>
Responsibility for compliance with Act	<b>12.</b> Every operator shall take every precaution reasonable in the circumstances to ensure that his employees and agents comply with this Act and the regulations.
Grant of licence, etc. 1964, c. 74	<b>13.</b> —(1) Subject to section 23 of <i>The Ontario Energy Board Act, 1964</i> , the Minister may, in his discretion, with or without an examination of the applicant, grant a licence or permit, and he may, in so doing, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but before granting a licence or permit he may, and if requested by the applicant, he shall refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.
Renewal of licence, etc.	(2) The Minister may grant a renewal of a licence or permit in whole or in part, and he may, in granting a renewal of a licence or permit, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but if, in refusing to grant, or in granting such a renewal, he imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.
Renewal, suspension of licence, etc.	<b>14.</b> —(1) Where a person contravenes any provision of section 19, the Minister may refuse to grant a licence or permit, the renewal of any of them, or suspend or cancel a licence or permit or may, in granting or renewing a licence or permit, impose such terms and conditions as he considers proper but before doing so he may refer the matter to the Board, in which case the Board shall report to him thereon.

(2) Where the Minister does not refer the matter to the Board, any person aggrieved thereby may apply to the Board for a hearing, in which case the Board shall hold a hearing and report thereon to the Minister.

**15.** Where a hearing is held pursuant to section 13 or 14, the Board shall send to each of the parties a copy of its report to the Minister within ten days after submitting it to the Minister.

Copy of  
report to  
be sent  
to parties

**16.** Where, following a hearing and report by the Board pursuant to section 13 or 14, the Minister refuses to grant or renew a licence or permit, or imposes terms and conditions on a licence or permit, upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of the Minister's decision, the Lieutenant Governor in Council may,

Lieutenant  
Governor in  
Council may  
confirm, vary  
or rescind  
decision of  
Minister

- (a) confirm, vary or rescind the whole or any part of such decision; or
- (b) require the Board to hold a new hearing on the matter and report to the Minister thereon,

and the decision of the Minister after the hearing and report ordered under clause b is not subject to petition under this section.

**17.—(1)** The Lieutenant Governor in Council may make regulations,

Drilling and  
production  
regulations

- (a) for the conservation of oil or gas;
- (b) prescribing areas where drilling for oil or gas is prohibited;
- (c) prescribing the terms and conditions of oil and gas production leases and gas storage leases or any part thereof, excluding those relating to Crown lands, and providing for the making of statements or reports thereon;
- (d) regulating the location and spacing of wells;
- (e) providing for the establishment and designation of spacing units and regulating the location of wells in spacing units and requiring the joining of the various interests within a spacing unit or pool;
- (f) prescribing the methods, equipment and materials to be used in boring, drilling, completing, servicing, plugging or operating wells;

- (g) requiring operators to preserve and furnish to the Department drilling and production samples and cores;
- (h) requiring operators to furnish to the Department reports, returns and other information;
- (i) requiring dry or unplugged wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
- (j) regulating the use of wells and the use of the subsurface for the disposal of brine produced in association with oil and gas drilling and production operations.

General regulations

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) providing for the issue of licences and permits;
  - (b) prescribing classes of licences and permits, and prescribing standard terms and conditions upon which licences and permits may be issued;
  - (c) prescribing the fee payable for any licence or permit;
  - (d) prescribing forms and tags and providing for their use;
  - (e) requiring and providing for the bonding or insuring of holders of licences or permits;
  - (f) requiring and providing for guarantees or other security by bond or other means that works commenced under licence or permit will be completed in accordance with this Act and the regulations;
  - (g) respecting the completion, correction or removal of works by an operator, or by the Minister upon the operator's default, and respecting the recovery of costs thereby incurred;
  - (h) providing for the Minister to take possession of a work not complying with this Act and the regulations and to take such measures as are necessary to make the work comply with this Act and the regulations, and to recover any resulting expenses by action in a court of competent jurisdiction or by the sale of all or part of the work or by providing that such expenses are a lien and charge upon the estate or interest

of the operator in the land upon which the work is situate, and that the amount thereof shall be entered by the clerk of the municipality upon the collector's roll and be collected in the same way, as nearly as may be, as municipal taxes are collected;

- (i) requiring and providing for the keeping of records and the making of returns, statements or reports on the exploration, leasing, drilling for or production of oil or gas or the storage of oil or gas;
  - (j) regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, storage and measurement, of oil or gas;
  - (k) for any matter provided in this Act to be done by regulation.
- (3) Any regulation may be general or particular in its Scope of regulations application.

**18.**—(1) In the event of conflict between this Act and any Conflict with other Acts other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. 1964, c. 74

(2) This Act and the regulations prevail over any municipal Idem, with by-laws by-law.

**19.** Every person who,

Offences and penalties

- (a) contravenes or fails to comply with any provision of this Act or a regulation;
- (b) knowingly makes a false statement in any document prescribed by a regulation;
- (c) fails to carry out the instructions of any inspector;
- (d) unlawfully tampers or interferes with any work or portion thereof;
- (e) wastes or causes to be wasted or permits loss or disposes of any oil or gas in any manner which results in a hazard to public health or safety, or results in air, land or water pollution; or
- (f) wilfully delays or obstructs an inspector in the execution of his duties under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Existing  
licences, etc.

**20.** Every licence and permit, issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act.

Act  
supersedes  
1964, c. 27

**21.** This Act applies notwithstanding *The Energy Act, 1964*.

Commencement

**22.** This Act comes into force on the day it receives Royal Assent.

Short title

**23.** This Act may be cited as *The Petroleum Resources Act, 1971*.







An Act to regulate  
the Exploration and Drilling for,  
and the Production and Storage  
of Oil and Gas

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*1st Reading*

July 8th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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~~BILL 118~~

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend  
The Secondary Schools and Boards of Education Act**

MR. REID (Scarborough East)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The purpose of the Bill is to enable all children enrolled in schools for trainable retarded children to attend both morning and afternoon classes without regard to age restrictions.

**BILL 118****1971**

**An Act to amend  
The Secondary Schools and  
Boards of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Part VII of *The Secondary Schools and Boards of Education Act*, as enacted by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following section:

- 109a.** Where a child is admitted to a school for trainable retarded children and the parent or guardian of the child so requests, the child shall be permitted, Child to be permitted to attend morning and afternoon classes and to continue in school on parent's request
- (a) to attend both the morning and afternoon classes; and
  - (b) to continue to attend and be enrolled in the school for so long as the child is able to profit by the instruction given in the school.

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1971*. Short title

An Act to amend  
The Secondary Schools and  
Boards of Education Act

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*1st Reading*

July 8th, 1971

*2nd Reading*

*3rd Reading*

MR. REID (Scarborough East)

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(*Private Member's Bill*)

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BILL 119

Government  
Publications  
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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## An Act to amend The Public Health Act

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THE HON. A. B. R. LAWRENCE (Carleton East)  
Minister of Health

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

**BILL 119****1971**

## An Act to amend The Public Health Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Health Act* is amended by adding thereto R.S.O. 1960,  
c. 321,  
amended the following section:

**6a.**—(1) In this section, “outdoor festival” means a <sup>“Outdoor</sup> <sub>festival”</sub> defined festival for the assembly of more than 2,000 people out of doors for a period of at least twenty-four hours and for the provision of musical or theatrical entertainment thereat.

(2) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) governing health and safety standards for the protection of persons attending outdoor festivals and of the public generally and requiring the provision of facilities and services for the purpose;

(b) requiring any person responsible for the health and safety standards at outdoor festivals to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;

(c) requiring the furnishing of such information or reports respecting outdoor festivals as are prescribed and authorizing an officer of the Department to require such additional information or reports as are considered necessary, and requiring any such information or reports to be verified by affidavit.

- Penalty (3) Every person who contravenes any provision of the regulations made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.
- Commencement **2.** This Act comes into force on the day it receives Royal Assent.
- Short title **3.** This Act may be cited as *The Public Health Amendment Act, 1971.*







## BILL 119

An Act to amend  
The Public Health Act

*1st Reading*

July 9th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. A. B. R. LAWRENCE  
(Carleton East)  
Minister of Health

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*(Government Bill)*

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-B 56

BILL 119

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

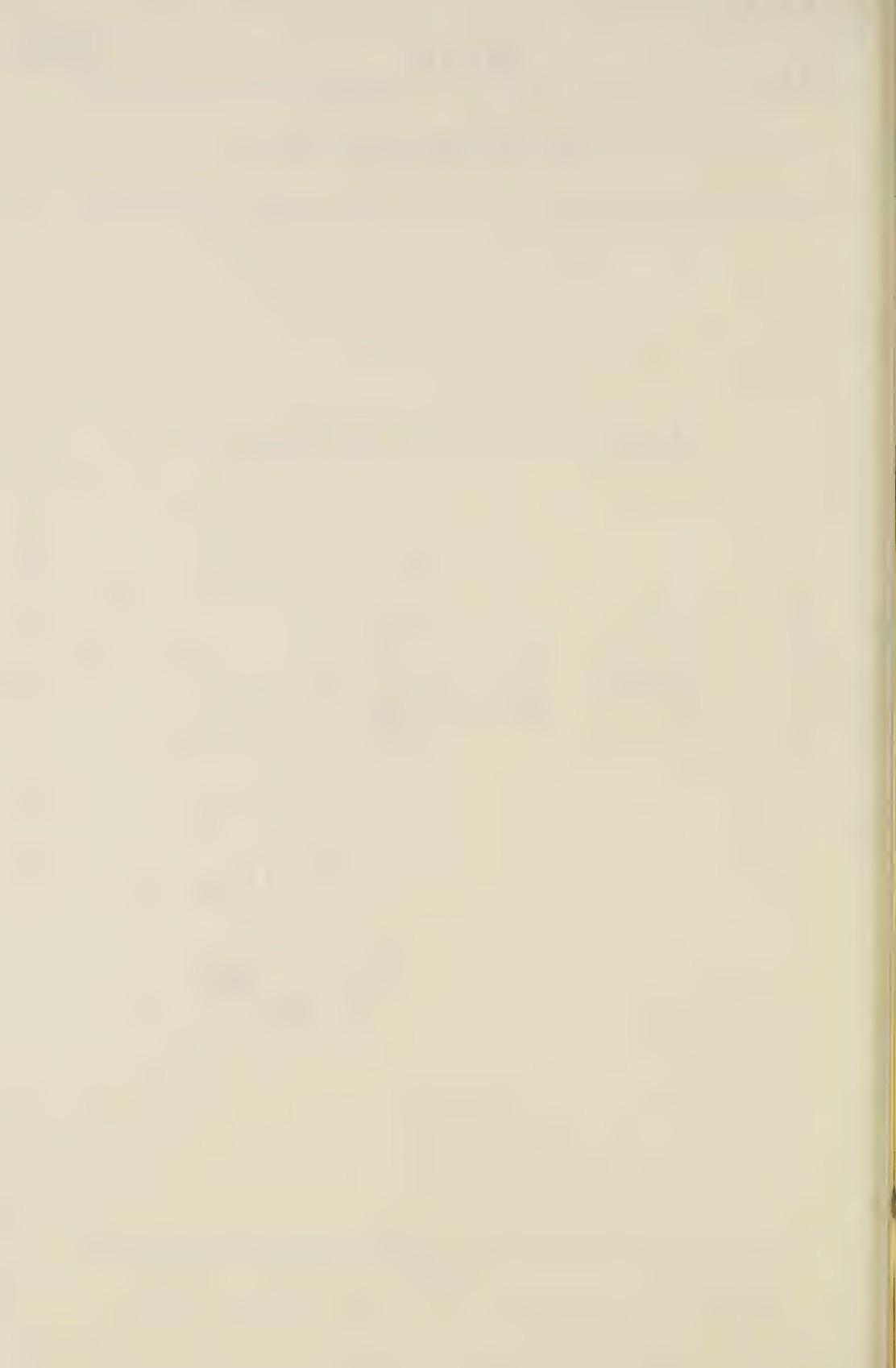
An Act to amend The Public Health Act

THE HON. A. B. R. LAWRENCE (Carleton East)  
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 119****1971**

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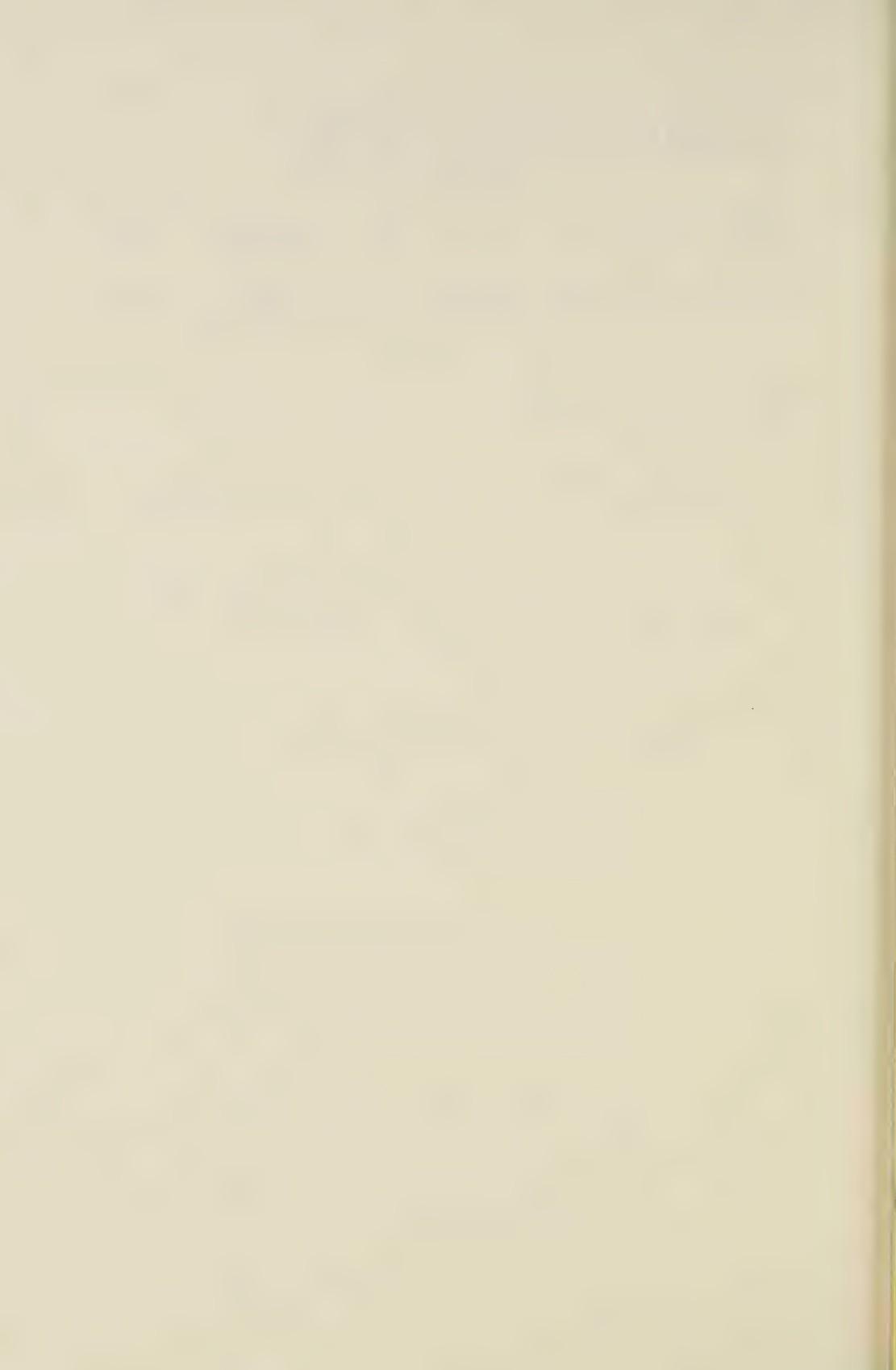
(a) governing health and safety standards for the protection of persons attending outdoor festivals and of the public generally and requiring the provision of facilities and services for the purpose;

(b) requiring any person responsible for the health and safety standards at outdoor festivals to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;

(c) requiring the furnishing of such information or reports respecting outdoor festivals as are prescribed and authorizing an officer of the Department to require such additional information or reports as are considered necessary, and requiring any such information or reports to be verified by affidavit.

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An Act to amend  
The Public Health Act

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*1st Reading*

July 9th, 1971

*2nd Reading*

July 20th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. A. B. R. LAWRENCE  
(Carleton East)  
Minister of Health

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**BILL 120**

Government Bill

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation**

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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TORONTO  
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

The purposes of the Bill are,

1. to control the operation of pits and quarries having regard to the environmental effects;
2. to ensure rehabilitation of excavation sites; and
3. to allow municipalities to control the location of future pits and quarries.

The Bill would supplant *The Niagara Escarpment Protection Act, 1970*.

**BILL 120****1971**

**An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "Department" means the Department of Mines and Northern Affairs;
- (c) "inspector" means a member of the public service who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (d) "Minister" means the Minister of Mines and Northern Affairs;
- (e) "operator" means the person or persons who own the right to extract material from a pit or quarry or wayside pit or quarry;
- (f) "pit" means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
- (g) "quarry" means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry;
- (h) "regulations" means the regulations made under this Act;

(i) "wayside pit" or "wayside quarry" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

**Application of Act**

**2.** This Act applies only in such parts of Ontario as are designated by the Lieutenant Governor in Council by regulation.

**Duty of operator**

**3.** Every operator shall ensure that the requirements of this Act and the regulations are complied with in respect of his pit or quarry or wayside pit or quarry.

**Pit or quarry licence**

**4.**—(1) No person shall open, establish or operate a pit or quarry except under the authority of a licence issued by the Minister to the operator.

**Renewal**

(2) Every licence shall be for a term of one year, renewable in accordance with this Act and the regulations.

**Site plan**

(3) An application for a licence to operate a pit or quarry shall be filed with the Minister and shall be accompanied by a site plan in quadruplicate, which shall include,

(a) the location, true shape, topography, contours, dimensions, acreage and description of the lands set aside for the purposes of the pit or quarry;

(b) the proposed use of all land and the location and proposed use of all buildings and structures lying within a distance of 500 feet of any of the boundaries of the lands set aside for the purposes of the pit or quarry;

(c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the lands set aside;

(d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;

(e) drainage provisions;

(f) all entrances and exits;

(g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and berthing, progressive and ultimate rehabilitation and, where possible, intended

use and ownership of the land after the extraction operations have ceased;

- (h) cross-sections where necessary to show geology, progressive pit development and ultimate rehabilitation; and
- (i) such other information as the Minister may require or as is prescribed by the regulations.

(4) The site plan for an application in respect of a pit or quarry producing less than 10,000 cubic yards per year may be in a short form prescribed by the regulations in lieu of the form required by subsection 3. Short form of site plan

(5) Every operator shall carry on his operations in accordance with the site plan upon which his licence is based and the operator may amend the site plan with the consent of the Minister. Site plan binding

**5.—(1)** Upon the receipt of an application, the Minister shall fix a day as the last day upon which written objections may be filed with him by the municipal council or any other authority having an interest or any person directly affected by the issuing of a licence. Time for objections

(2) After filing his application, the applicant shall publish notice of the application in such form and manner as is prescribed by the regulations. Publication of notice

(3) If any person entitled to object under subsection 1 requires a hearing by notice in writing to the Minister before the expiration of the period for objection, the Minister shall refer the matter to the Board for a hearing. Hearing by O.M.B.

(4) The Minister may refer an application to the Board for a hearing on his own motion. Referral by Minister

**6.—(1)** The Minister shall refuse to issue a licence to operate a pit or quarry where the site plan does not comply with this Act or the regulations or where, in his opinion, the operation of the pit or quarry would be against the interest of the public taking into account, Grounds for refusal to issue a licence

- (a) the preservation of the character of the environment;
- (b) the availability of natural environment for the enjoyment of the public;
- (c) the need, if any, for restricting excessively large total pit or quarry output in the locality;
- (d) the traffic density on local roads;

- (e) any possible effect on the water table or surface drainage pattern;
  - (f) the nature and location of other land uses that could be affected by the pit or quarry operation; and
  - (g) the character, location and size of nearby communities.
- Idem**
- (2) No licence shall be issued in respect of a pit or quarry where the location is in contravention of an official plan or by-law of the municipality in which it is located.
- Idem**
- (3) Where a local municipality does not have an official plan or by-law governing the location of pits and quarries, the Minister shall give the municipal council notice of the filing of the application and if the council objects to the location of the pit or quarry within forty-five days after receiving the notice, the Minister shall not issue the licence and subsection 3 of section 5 does not apply.
- Terms and conditions**
- (4) The Minister may issue the licence subject to such terms and conditions as the Minister, in his discretion, considers advisable.
- Refusal to renew**
- 7.**—(1) The Minister may refuse to renew a licence for any reason that would justify refusal to issue the licence except that section 5 does not apply to an application for renewal of a licence.
- Revocation of licences**
- (2) The Minister may revoke a licence for a contravention of any provision of the site plan, any term or condition of the licence or any requirement of this Act or the regulations.
- Notice of intention to refuse**
- 8.**—(1) Where the Minister proposes to refuse to issue or renew a licence or proposes to revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.
- Notice requiring hearing**
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.
- Powers of Minister where no hearing**
- (3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Minister has made his order.

(5) Where the Minister gives notice of his intention to revoke or refuse to renew a licence and, in the opinion of the Minister, the continuation of the operation of the pit or quarry constitutes an immediate threat to the interests of the public, the Minister may, upon notice to the licensee, immediately suspend the licence pending the final disposition of the matter.

**9.—(1)** Where a matter is referred to the Board for a hearing, the Board shall hold a hearing as to whether the licence to which the hearing relates should be issued, renewed or revoked, as the case may be, and the applicant or licensee, the Director of the Inspection Branch of the Department and such other persons as the Board specifies shall be parties to the proceeding.

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that section 94 of the said Act does not apply.

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue, renewal or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of its report to each party to the proceedings.

(4) After considering the report of the Board under this section, the Minister may refuse to issue or renew or may revoke the licence to which the report relates and shall within thirty days after he receives the report of the Board give notice of his decision to the applicant or licensee specifying the reasons therefor, and, subject to subsection 6, the decision of the Minister is final.

Quarrying  
near  
escarpment

**10.**—(1) Notwithstanding that a licence or permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

Idem

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

Security for  
rehabilita-  
tion

**11.**—(1) Every licensee shall maintain on deposit with the Treasurer of Ontario such security in such amount and form as is prescribed by the regulations.

Forfeiture

(2) Where the rehabilitation program of a pit or quarry or abandoned pit or quarry is not carried out in accordance with the requirements of this Act, the regulations or the site plan or the terms and conditions of the licence, the Minister may direct that the security deposited under subsection 1 be forfeited.

Completion  
of rehabilita-  
tion

(3) Upon the direction of the Minister under subsection 2, the security is forfeited and the Minister may authorize any person or persons to enter upon the premises on which the pit or quarry is situate and perform such work as is necessary to complete the rehabilitation requirements, and the cost thereof shall be paid out of the moneys forfeited.

Permits for  
wayside pits  
and quarries

**12.**—(1) No person shall open, establish or operate a wayside pit or quarry except under the authority of a permit issued by the Minister to the operator.

Issuance of  
permits

(2) The Minister may issue a permit to operate a wayside pit or quarry where,

(a) the pit or quarry is necessary for the purposes of the contract or project;

(b) adequate provision can be made as terms and conditions of the permit to ensure a method of operation and adequate rehabilitation so as to constitute only a temporary inconvenience to the public.

Terms and  
conditions  
of permits

(3) The Minister may issue the permit subject to such terms and conditions, including terms for rehabilitation and security therefor, as the Minister, in his discretion, considers advisable.

(4) A permit issued under this section expires on the completion of the project or contract or one year after its issue, whichever occurs first, but may be renewed by the Minister for a further period of one year where he considers it is appropriate for completion of the project or contract, but the permit shall not be further renewed.

(5) The Minister may revoke a permit issued under this section for any breach of the terms and conditions of the permit or of this Act or the regulations.

(6) The issuance of a permit to operate a wayside pit or quarry shall not be construed to affect the application of any other law or requirements applying to the right to establish requirements the wayside pit or quarry or its location.

**13.**—(1) An inspector may enter in or upon any land or premises set aside for the purposes of a pit or quarry or wayside pit or quarry at any reasonable time to make such examinations, tests and inquiries as may be necessary for the purposes of ensuring compliance with this Act, the regulations, the site plan and the terms and conditions of the licence or permit.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information.

**14.** A licence or permit issued under this Act is not transferable.

**15.**—(1) Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he considers fitting.

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**16.** (1) Subject to subsection 2 of section 9, any notice required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem	(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
Application of Part IX of R.S.O. 1960, c. 241	<b>17.</b> —(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of <i>The Mining Act</i> .
Conflict with municipal by-laws	(2) Where there is a conflict between any provision of this Act or the regulations and any municipal by-law, the provision of this Act or the regulations prevails.
Offence	<b>18.</b> —(1) Every person who contravenes any provision of this Act or the regulations or is in breach of any term or condition of his licence or permit is guilty of an offence and on summary conviction is liable to a fine not exceeding \$5,000 for each day on which the offence occurs or continues.
Idem	(2) No proceedings under subsection 1 shall be instituted except with the consent or under the direction of the Minister.
Regulations	<b>19.</b> —(1) The Lieutenant Governor in Council may make regulations, <ul style="list-style-type: none"> <li>(a) governing applications for licences and permits and providing for their issue;</li> <li>(b) designating the parts of Ontario in which this Act applies;</li> <li>(c) prescribing additional information to be included on site plans under section 4;</li> <li>(d) prescribing the form, terms, conditions and amount of security to be deposited under section 11;</li> <li>(e) governing the management and operation of pits and quarries and wayside pits and quarries including, <ul style="list-style-type: none"> <li>(i) the use that shall be made of land set aside for the purpose,</li> <li>(ii) the location, construction and use of buildings on the lands set aside for the purpose,</li> <li>(iii) prescribing the hours during which any class or classes of activity may be carried on, on lands set aside for the purpose,</li> </ul> </li> </ul>

- (iv) prescribing the sound levels permissible in their operation;
- (v) governing final slopes, excavation set backs, fencing, tree screening and berming, warning signs, blasting requirements, roads and exits;
- (f) governing the rehabilitation of pits and quarries and wayside pits and quarries including the stockpiling of soil for the purpose;
- (g) requiring the payment of fees for licences and permits and renewals thereof and prescribing the amounts thereof;
- (h) prescribing forms for the purposes of this Act and providing for their use;
- (i) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act.

(2) The Minister may, where in his opinion to do so would not be against the public interest, in writing relieve a licensee or permittee from strict compliance with any provision of the regulations subject to such terms and conditions as the Minister may impose. Relief from compliance

**20.**—(1) This Act does not apply to operators of pits and quarries operating in a part of Ontario immediately before it is designated under section 2 until six months after the designation. Application to existing pits and quarries

(2) This Act does not apply to operators of wayside pits or quarries operating in a part of Ontario immediately before it is designated under section 2 until one month after the designation. Application to existing wayside pits and quarries

(3) Section 5 does not apply to applications for licences in respect of pits and quarries referred to in subsection 1. Application of s. 5

**21.** *The Niagara Escarpment Protection Act, 1970* is repealed. 1970, c. 31, repealed

**22.**—(1) This Act, except section 21, comes into force on the day it receives Royal Assent. Commencement

(2) Section 21 comes into force seven months after the day this Act comes into force. Idem

**23.** This Act may be cited as *The Pits and Quarries Control Act, 1971*. Short title

An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation

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*1st Reading*

July 9th, 1971

*2nd Reading*

*3rd Reading*

THE HON. LEO BERNIER  
Minister of Mines and  
Northern Affairs

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(*Government Bill*)

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BILL 120

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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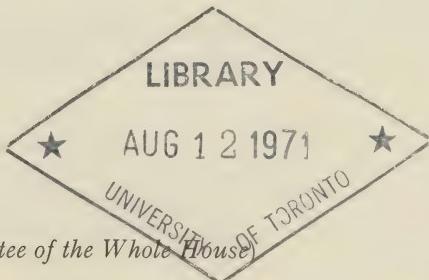
**An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation**

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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(Reprinted as amended by the Committee of the Whole House)



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TORONTO

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#### **EXPLANATORY NOTES**

The purposes of the Bill are,

1. to control the operation of pits and quarries having regard to the environmental effects;
2. to ensure rehabilitation of excavation sites; and
3. to allow municipalities to control the location of future pits and quarries.

The Bill would supplant *The Niagara Escarpment Protection Act, 1970*.

**BILL 120****1971**

**An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) “Board” means the Ontario Municipal Board;
- (b) “Department” means the Department of Mines and Northern Affairs;
- (c) “inspector” means a member of the public service who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (d) “Minister” means the Minister of Mines and Northern Affairs;
- (e) “operator” means the person or persons who own the right to extract material from a pit or quarry or wayside pit or quarry;
- (f) “pit” means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
- (g) “quarry” means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine;
- (h) “regulations” means the regulations made under this Act;

(i) "wayside pit" or "wayside quarry" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

Application of Act

**2.** This Act applies only in such parts of Ontario as are designated by the Lieutenant Governor in Council by regulation.

Duty of operator

**3.** Every operator shall ensure that the requirements of this Act and the regulations are complied with in respect of his pit or quarry or wayside pit or quarry.

Pit or quarry licence

**4.**—(1) No person shall open, establish or operate a pit or quarry except under the authority of a licence issued by the Minister to the operator.

Site plan

(2) An application for a licence to operate a pit or quarry shall be filed with the Minister and shall be accompanied by a site plan in quadruplicate, which shall include,

(a) the location, true shape, topography, contours, dimensions, acreage and description of the lands set aside for the purposes of the pit or quarry;

(b) the use of all land and the location and use of all buildings and structures lying within a distance of 500 feet of any of the boundaries of the lands set aside for the purposes of the pit or quarry;

(c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the lands set aside;

(d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;

(e) drainage provisions;

(f) all entrances and exits;

(g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and berthing, progressive and ultimate rehabilitation and, where possible, intended

use and ownership of the land after the extraction operations have ceased;

(h) cross-sections where necessary to show geology, progressive pit development and ultimate rehabilitation; and

(i) such other information as the Minister may require or as is prescribed by the regulations.

(3) The site plan for an application in respect of a pit or quarry producing less than 10,000 cubic yards per year may be in a short form prescribed by the regulations in lieu of the form required by subsection 2.

(4) Every operator shall carry on his operations in accordance with the site plan upon which his licence is based and the operator may amend the site plan with the consent of the Minister.

**5.—(1)** Upon the receipt of an application, the Minister shall fix a day as the last day upon which written objections may be filed with him by the municipal council or any other authority having an interest or any person directly affected by the issuing of a licence.

(2) After filing his application, the applicant shall publish notice of the application in such form and manner as is prescribed by the regulations.

(3) If any person entitled to object under subsection 1 requires a hearing by notice in writing to the Minister before the expiration of the period for objection, the Minister shall refer the matter to the Board for a hearing.

(4) The Minister may refer an application to the Board for a hearing on his own motion.

**6.—(1)** The Minister shall refuse to issue a licence to operate a pit or quarry where the site plan does not comply with this Act or the regulations or where, in his opinion, the operation of the pit or quarry would be against the interest of the public taking into account,

(a) the preservation of the character of the environment;

(b) the availability of natural environment for the enjoyment of the public;

(c) the need, if any, for restricting excessively large total pit or quarry output in the locality;

(d) the traffic density on local roads;

- (e) any possible effect on the water table or surface drainage pattern;
- (f) the nature and location of other land uses that could be affected by the pit or quarry operation; and
- (g) the character, location and size of nearby communities.

**Idem** (2) No licence shall be issued in respect of a pit or quarry where the location is in contravention of an official plan or by-law of the municipality in which it is located.

**Idem** (3) Where a local municipality does not have an official plan or by-law governing the location of pits and quarries, the Minister shall give the municipal council notice of the filing of the application and if the council objects to the location of the pit or quarry within forty-five days after receiving the notice, the Minister shall not issue the licence and subsection 3 of section 5 does not apply.

**Terms and conditions** (4) The Minister may issue the licence subject to such terms and conditions as the Minister, in his discretion, considers advisable.

**Review of licence** **7.**—(1) The Minister shall review the operation of each licensee at least once in each year for the purpose of reassessing the licensee's compliance with this Act, the regulations, the site plan and the terms and conditions of the licence.

**Revocation of licences** (2) The Minister may revoke a licence for a contravention of any provision of the site plan, any term or condition of the licence or any requirement of this Act or the regulations.

**Notice of intention to refuse** **8.**—(1) Where the Minister proposes to refuse to issue a licence or proposes to revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

**Notice requiring hearing** (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within thirty days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

**Powers of Minister where no hearing** (3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where the Minister gives notice of his intention to revoke a licence and, in the opinion of the Minister, the continuation of the operation of the pit or quarry constitutes an immediate threat to the interests of the public, the Minister may, upon notice to the licensee, immediately suspend the licence pending the final disposition of the matter.

**9.—(1)** Where a matter is referred to the Board for a hearing, the Board shall hold a hearing as to whether the licence to which the hearing relates should be issued or revoked, as the case may be, and the applicant or licensee, the Director of the Inspection Branch of the Department and such other persons as the Board specifies shall be parties to the proceeding.

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that section 94 of the said Act does not apply.

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of its report to each party to the proceedings.

(4) After considering the report of the Board under this section, the Minister may refuse to issue or may revoke the licence to which the report relates and shall within thirty days after he receives the report of the Board give notice of his decision to the applicant or licensee specifying the reasons therefor, and the decision of the Minister is final.

**10.—(1)** Notwithstanding that a licence or permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

**11.—(1)** Every licensee shall maintain on deposit with the Treasurer of Ontario such security in such amount and form as is prescribed by the regulations.

Forfeiture	(2) Where the rehabilitation program of a pit or quarry or abandoned pit or quarry is not carried out in accordance with the requirements of this Act, the regulations or the site plan or the terms and conditions of the licence, the Minister may direct that the security deposited under subsection 1 be forfeited.
Completion of rehabilitation	(3) Upon the direction of the Minister under subsection 2, the security is forfeited and the Minister may authorize any person or persons to enter upon the premises on which the pit or quarry is situate and perform such work as is necessary to complete the rehabilitation requirements, and the cost thereof shall be paid out of the moneys forfeited <u>and the balance</u> refunded in accordance with the regulations.
Permits for wayside pits and quarries	<p><b>12.</b>—(1) No person shall open, establish or operate a wayside pit or quarry except under the authority of a permit issued by the Minister to the operator.</p> <p>(2) The Minister may issue a permit to operate a wayside pit or quarry where,</p> <ul style="list-style-type: none"> <li>(a) the pit or quarry is necessary for the purposes of the contract or project;</li> <li>(b) adequate provision can be made as terms and conditions of the permit to ensure a method of operation and adequate rehabilitation so as to constitute only a temporary inconvenience to the public.</li> </ul>
Terms and conditions of permits	(3) The Minister may issue the permit subject to such terms and conditions, including terms for rehabilitation and security therefor, as the Minister, in his discretion, considers advisable.
Expiration and renewal	<p> (4) A permit issued under this section expires on the completion of the project or contract or one year after its issue, whichever occurs first, but in the latter case the Minister may renew the permit for such further period as the Minister considers appropriate for the completion, in good faith, of the project or contract. </p>
Revocation	(5) The Minister may revoke a permit issued under this section for any breach of the terms and conditions of the permit or of this Act or the regulations.
Permit subject to satisfying other requirements	(6) The issuance of a permit to operate a wayside pit or quarry shall not be construed to affect the application of any other law or requirements applying to the right to establish the wayside pit or quarry or its location.

**13.**—(1) An inspector may enter in or upon any land or premises set aside for the purposes of a pit or quarry or wayside pit or quarry at any reasonable time to make such examinations, tests and inquiries as may be necessary for the purposes of ensuring compliance with this Act, the regulations, the site plan and the terms and conditions of the licence or permit.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information.

**14.** A licence or permit issued under this Act is not transferable.

Licence or  
permit not  
transferable

**15.**—(1) Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he considers fitting.

Restraining  
order

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**16.**—(1) Subject to subsection 2 of section 9, any notice required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Idem

**17.**—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act*.

Application  
of Part IX  
of R.S.O.  
1960, c. 241

(2) Where there is a conflict between any provision of this Act or the regulations and any municipal by-law, the provision of this Act or the regulations prevails.

Conflict  
with  
municipal  
by-laws

## Offence

**18.**—(1) Every person who contravenes any provision of this Act or the regulations or is in breach of any term or condition of his licence or permit is guilty of an offence and on summary conviction is liable to a fine not exceeding \$5,000 for each day on which the offence occurs or continues.

## Idem

(2) No proceedings under subsection 1 shall be instituted except with the consent or under the direction of the Minister.

## Regulations

**19.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing applications for licences and permits and providing for their issue;
- (b) designating the parts of Ontario in which this Act applies;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing the form, terms, conditions and amount of security to be deposited under section 11;
- (e) governing the management and operation of pits and quarries and wayside pits and quarries including,
  - (i) the use that shall be made of land set aside for the purpose,
  - (ii) the location, construction and use of buildings on the lands set aside for the purpose,
  - (iii) prescribing the hours during which any class or classes of activity may be carried on, on lands set aside for the purpose,
  - (iv) prescribing the sound levels permissible in their operation,
  - (v) governing final slopes, excavation set backs, fencing, tree screening and berming, warning signs, blasting requirements, roads and exits;
- (f) governing the rehabilitation of pits and quarries and wayside pits and quarries including the stockpiling of soil for the purpose;
- (g) requiring the payment of fees for licences and permits and prescribing the amounts thereof;

- (h) prescribing forms for the purposes of this Act and providing for their use;
- (i) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act.

(2) The Minister may, where in his opinion to do so would not be against the public interest, in writing relieve a licensee or permittee from strict compliance with any provision of the regulations subject to such terms and conditions as the Minister may impose. Relief from compliance

**20.**—(1) This Act does not apply to operators of pits and quarries operating in a part of Ontario immediately before it is designated under section 2 until six months after the designation. Application to existing pits and quarries

(2) This Act does not apply to operators of wayside pits or quarries operating in a part of Ontario immediately before it is designated under section 2 until one month after the designation. Application to existing wayside pits and quarries

(3) Section 5 does not apply to applications for licences in respect of pits and quarries referred to in subsection 1. Application of s. 5

**21.** *The Niagara Escarpment Protection Act, 1970* is repealed. 1970, c. 31, repealed

**22.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**23.** This Act may be cited as *The Pits and Quarries Control Act, 1971*. Short title

An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation

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*1st Reading*

July 9th, 1971

*2nd Reading*

July 28th, 1971

*3rd Reading*

THE HON. LEO BERNIER  
Minister of Mines and  
Northern Affairs

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(Reprinted as amended by the  
Committee of the Whole House)

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**BILL 120**

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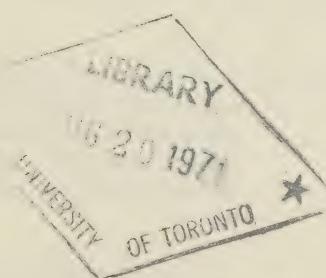
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THE HON. LEO BERNIER  
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**1. In this Act,**

Interpre-  
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- (a) "Board" means the Ontario Municipal Board;
- (b) "Department" means the Department of Mines and Northern Affairs;
- (c) "inspector" means a member of the public service who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (d) "Minister" means the Minister of Mines and Northern Affairs;
- (e) "operator" means the person or persons who own the right to extract material from a pit or quarry or wayside pit or quarry;
- (f) "pit" means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
- (g) "quarry" means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine;
- (h) "regulations" means the regulations made under this Act;

(i) "wayside pit" or "wayside quarry" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

**Application of Act**

**2.** This Act applies only in such parts of Ontario as are designated by the Lieutenant Governor in Council by regulation.

**Duty of operator**

**3.** Every operator shall ensure that the requirements of this Act and the regulations are complied with in respect of his pit or quarry or wayside pit or quarry.

**Pit or quarry licence**

**4.—(1)** No person shall open, establish or operate a pit or quarry except under the authority of a licence issued by the Minister to the operator.

**Site plan**

(2) An application for a licence to operate a pit or quarry shall be filed with the Minister and shall be accompanied by a site plan in quadruplicate, which shall include,

- (a) the location, true shape, topography, contours, dimensions, acreage and description of the lands set aside for the purposes of the pit or quarry;
- (b) the use of all land and the location and use of all buildings and structures lying within a distance of 500 feet of any of the boundaries of the lands set aside for the purposes of the pit or quarry;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the lands set aside;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and berthing, progressive and ultimate rehabilitation and, where possible, intended

use and ownership of the land after the extraction operations have ceased;

- (h) cross-sections where necessary to show geology, progressive pit development and ultimate rehabilitation; and
- (i) such other information as the Minister may require or as is prescribed by the regulations.

(3) The site plan for an application in respect of a pit or quarry producing less than 10,000 cubic yards per year may be in a short form prescribed by the regulations in lieu of the form required by subsection 2. <sup>Short form of site plan</sup>

(4) Every operator shall carry on his operations in accordance with the site plan upon which his licence is based and the operator may amend the site plan with the consent of the Minister. <sup>Site plan binding</sup>

**5.**—(1) Upon the receipt of an application, the Minister shall fix a day as the last day upon which written objections may be filed with him by the municipal council or any other authority having an interest or any person directly affected by the issuing of a licence. <sup>Time for objections</sup>

(2) After filing his application, the applicant shall publish notice of the application in such form and manner as is prescribed by the regulations. <sup>Publication of notice</sup>

(3) If any person entitled to object under subsection 1 requires a hearing by notice in writing to the Minister before the expiration of the period for objection, the Minister shall refer the matter to the Board for a hearing. <sup>Hearing by O.M.B.</sup>

(4) The Minister may refer an application to the Board for a hearing on his own motion. <sup>Referral by Minister</sup>

**6.**—(1) The Minister shall refuse to issue a licence to operate a pit or quarry where the site plan does not comply with this Act or the regulations or where, in his opinion, the operation of the pit or quarry would be against the interest of the public taking into account, <sup>Grounds for refusal to issue a licence</sup>

- (a) the preservation of the character of the environment;
- (b) the availability of natural environment for the enjoyment of the public;
- (c) the need, if any, for restricting excessively large total pit or quarry output in the locality;
- (d) the traffic density on local roads;

- (e) any possible effect on the water table or surface drainage pattern;
- (f) the nature and location of other land uses that could be affected by the pit or quarry operation; and
- (g) the character, location and size of nearby communities.

**Idem** (2) No licence shall be issued in respect of a pit or quarry where the location is in contravention of an official plan or by-law of the municipality in which it is located.

**Idem** (3) Where a local municipality does not have an official plan or by-law governing the location of pits and quarries, the Minister shall give the municipal council notice of the filing of the application and if the council objects to the location of the pit or quarry within forty-five days after receiving the notice, the Minister shall not issue the licence and subsection 3 of section 5 does not apply.

**Terms and conditions** (4) The Minister may issue the licence subject to such terms and conditions as the Minister, in his discretion, considers advisable.

**Review of licence** **7.**—(1) The Minister shall review the operation of each licensee at least once in each year for the purpose of reassessing the licensee's compliance with this Act, the regulations, the site plan and the terms and conditions of the licence.

**Revocation of licences** (2) The Minister may revoke a licence for a contravention of any provision of the site plan, any term or condition of the licence or any requirement of this Act or the regulations.

**Notice of intention to refuse** **8.**—(1) Where the Minister proposes to refuse to issue a licence or proposes to revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

**Notice requiring hearing** (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within thirty days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

**Powers of Minister where no hearing** (3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where the Minister gives notice of his intention to revoke a licence and, in the opinion of the Minister, the continuation of the operation of the pit or quarry constitutes an immediate threat to the interests of the public, the Minister may, upon notice to the licensee, immediately suspend the licence pending the final disposition of the matter.

**9.**—(1) Where a matter is referred to the Board for a hearing, the Board shall hold a hearing as to whether the licence to which the hearing relates should be issued or revoked, as the case may be, and the applicant or licensee, the Director of the Inspection Branch of the Department and such other persons as the Board specifies shall be parties to the proceeding.

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that section 94 of the said Act does not apply.

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of its report to each party to the proceedings.

(4) After considering the report of the Board under this section, the Minister may refuse to issue or may revoke the licence to which the report relates and shall within thirty days after he receives the report of the Board give notice of his decision to the applicant or licensee specifying the reasons therefor, and the decision of the Minister is final.

**10.**—(1) Notwithstanding that a licence or permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

**11.**—(1) Every licensee shall maintain on deposit with the Treasurer of Ontario such security in such amount and form as is prescribed by the regulations.

Forfeiture	(2) Where the rehabilitation program of a pit or quarry or abandoned pit or quarry is not carried out in accordance with the requirements of this Act, the regulations or the site plan or the terms and conditions of the licence, the Minister may direct that the security deposited under subsection 1 be forfeited.
Completion of rehabilitation	(3) Upon the direction of the Minister under subsection 2, the security is forfeited and the Minister may authorize any person or persons to enter upon the premises on which the pit or quarry is situate and perform such work as is necessary to complete the rehabilitation requirements, and the cost thereof shall be paid out of the moneys forfeited and the balance refunded in accordance with the regulations.
Permits for wayside pits and quarries	<b>12.</b> —(1) No person shall open, establish or operate a wayside pit or quarry except under the authority of a permit issued by the Minister to the operator.  (2) The Minister may issue a permit to operate a wayside pit or quarry where,
Issuance of permits	<i>(a)</i> the pit or quarry is necessary for the purposes of the contract or project ;  <i>(b)</i> adequate provision can be made as terms and conditions of the permit to ensure a method of operation and adequate rehabilitation so as to constitute only a temporary inconvenience to the public.
Terms and conditions of permits	(3) The Minister may issue the permit subject to such terms and conditions, including terms for rehabilitation and security therefor, as the Minister, in his discretion, considers advisable.
Expiration and renewal	(4) A permit issued under this section expires on the completion of the project or contract or one year after its issue, whichever occurs first, but in the latter case the Minister may renew the permit for such further period as the Minister considers appropriate for the completion, in good faith, of the project or contract.
Revocation	(5) The Minister may revoke a permit issued under this section for any breach of the terms and conditions of the permit or of this Act or the regulations.
Permit subject to satisfying other requirements	(6) The issuance of a permit to operate a wayside pit or quarry shall not be construed to affect the application of any other law or requirements applying to the right to establish the wayside pit or quarry or its location.

**13.**—(1) An inspector may enter in or upon any land or premises set aside for the purposes of a pit or quarry or wayside pit or quarry at any reasonable time to make such examinations, tests and inquiries as may be necessary for the purposes of ensuring compliance with this Act, the regulations, the site plan and the terms and conditions of the licence or permit.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information.

**14.** A licence or permit issued under this Act is not transferable.

**15.**—(1) Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he considers fitting.

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**16.**—(1) Subject to subsection 2 of section 9, any notice required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

**17.**—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act*.

(2) Where there is a conflict between any provision of this Act or the regulations and any municipal by-law, the provision of this Act or the regulations prevails.

- Offence      **18.**—(1) Every person who contravenes any provision of this Act or the regulations or is in breach of any term or condition of his licence or permit is guilty of an offence and on summary conviction is liable to a fine not exceeding \$5,000 for each day on which the offence occurs or continues.
- Idem      (2) No proceedings under subsection 1 shall be instituted except with the consent or under the direction of the Minister.
- Regulations      **19.**—(1) The Lieutenant Governor in Council may make regulations,
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  - (c) prescribing additional information to be included on site plans under section 4;
  - (d) prescribing the form, terms, conditions and amount of security to be deposited under section 11;
  - (e) governing the management and operation of pits and quarries and wayside pits and quarries including,
    - (i) the use that shall be made of land set aside for the purpose,
    - (ii) the location, construction and use of buildings on the lands set aside for the purpose,
    - (iii) prescribing the hours during which any class or classes of activity may be carried on, on lands set aside for the purpose,
    - (iv) prescribing the sound levels permissible in their operation,
    - (v) governing final slopes, excavation set backs, fencing, tree screening and berthing, warning signs, blasting requirements, roads and exits;
  - (f) governing the rehabilitation of pits and quarries and wayside pits and quarries including the stockpiling of soil for the purpose;
  - (g) requiring the payment of fees for licences and permits and prescribing the amounts thereof;

- (h) prescribing forms for the purposes of this Act and providing for their use;
- (i) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act.

(2) The Minister may, where in his opinion to do so would not be against the public interest, in writing relieve a licensee or permittee from strict compliance with any provision of the regulations subject to such terms and conditions as the Minister may impose. Relief from compliance

**20.**—(1) This Act does not apply to operators of pits and quarries operating in a part of Ontario immediately before it is designated under section 2 until six months after the designation. Application to existing pits and quarries

(2) This Act does not apply to operators of wayside pits or quarries operating in a part of Ontario immediately before it is designated under section 2 until one month after the designation. Application to existing wayside pits and quarries

(3) Section 5 does not apply to applications for licences in respect of pits and quarries referred to in subsection 1. Application of s. 5

**21.** *The Niagara Escarpment Protection Act, 1970* is repealed. 1970, c. 31, repealed

**22.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**23.** This Act may be cited as *The Pits and Quarries Control Act, 1971*. Short title

An Act to regulate Pits and Quarries  
and to provide for their Rehabilitation

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*1st Reading*

July 9th, 1971

*2nd Reading*

July 28th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. LEO BERNIER  
Minister of Mines and  
Northern Affairs

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~~BILL 121~~

Government  
Publications  
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Niagara Parks Act**

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THE HON. W. G. DAVIS  
Prime Minister

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The Act presently provides for one member of each of the councils of the counties of Lincoln and Welland to be members of the Commission. The counties were dissolved on the formation of The Regional Municipality of Niagara and this Bill recognizes the changes by providing for representation on the Commission of one member from each of the councils of The Regional Municipality of Niagara, the Town of Fort Erie and the Town of Niagara-on-the Lake.

**BILL 121****1971****An Act to amend The Niagara Parks Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Niagara Parks Act*, R.S.O. 1960, c. 262, s. 2, as re-enacted by subsection 1 of section 3 of *The Niagara Parks Amendment Act, 1967*, is repealed and the following substituted subs. 2 (1967, c. 59, s. 3, subs. 1), re-enacted therefor:

- (2) The Commission shall be composed of not fewer than ten and not more than twelve members appointed by the Lieutenant Governor in Council of whom,
  - (a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;
  - (b) one member shall be a member of the council of The Regional Municipality of Niagara and shall be appointed annually upon the recommendation of such council;
  - (c) one member shall be a member of the council of the Town of Fort Erie and shall be appointed annually upon the recommendation of such council;
  - (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council; and
  - (e) one member shall be a member of the council of the Town of Niagara-on-the Lake and shall be appointed annually upon the recommendation of such council.

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title **3.** This Act may be cited as *The Niagara Parks Amendment Act, 1971.*







An Act to amend  
The Niagara Parks Act

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*1st Reading*

July 12th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. W. G. DAVIS  
Prime Minister

(*Government Bill*)

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**BILL 121**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

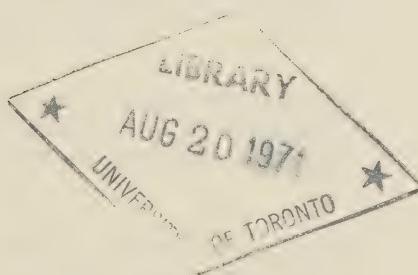
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**An Act to amend The Niagara Parks Act**

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THE HON. W. G. DAVIS  
Prime Minister

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 121****1971****An Act to amend The Niagara Parks Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Niagara Parks Act*, R.S.O. 1960, c. 262, s. 2, as re-enacted by subsection 1 of section 3 of *The Niagara Parks Amendment Act, 1967*, is repealed and the following substituted (1967, c. 59, s. 3, subs. 1), re-enacted therefor:

- (2) The Commission shall be composed of not fewer than ten and not more than twelve members appointed by the Lieutenant Governor in Council of whom,
  - (a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;
  - (b) one member shall be a member of the council of The Regional Municipality of Niagara and shall be appointed annually upon the recommendation of such council;
  - (c) one member shall be a member of the council of the Town of Fort Erie and shall be appointed annually upon the recommendation of such council;
  - (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council; and
  - (e) one member shall be a member of the council of the Town of Niagara-on-the Lake and shall be appointed annually upon the recommendation of such council.

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title **3.** This Act may be cited as *The Niagara Parks Amendment Act, 1971.*







An Act to amend  
The Niagara Parks Act

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*1st Reading*

July 12th, 1971

*2nd Reading*

July 28th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. W. G. DAVIS  
Prime Minister

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**BILL 122**

Government Bill

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act respecting the Age of Majority and Accountability**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend  
The Niagara Parks Act

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*1st Reading*

July 12th, 1971

*2nd Reading*

July 28th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. W. G. DAVIS  
Prime Minister

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Government  
Publications

Government Bill

**BILL 122**

4TH SESSION, 28TH ~~LEGISLATURE~~, ONTARIO  
20 ELIZABETH II, 1971

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**An Act respecting the Age of Majority and Accountability**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

In accordance with the recommendations of the Ontario Law Reform Commission, the Bill reduces the age of majority from 21 to 18 years of age and specifically amends a number of enactments, including those in relation to drinking and election age, to substitute a reference to 18 years of age for references to 21 years of age.

Also in accordance with the recommendations of the Ontario Law Reform Commission, the Bill, in section 18, empowers the courts to award maintenance in respect of children 16 or 17 years of age who are in full-time attendance at some educational institution and provides that Part II of *The Child Welfare Act, 1965* respecting protection and care of neglected children will apply to a boy or girl actually or apparently under 18 years of age whose parent is unable to control him or her.

**BILL 122****1971**

**An Act respecting  
the Age of Majority and Accountability**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Every person attains the age of majority and ceases <sup>Age of majority</sup> to be a minor on attaining the age of eighteen years.

(2) Every person who on the day this Act comes into force <sup>Reduction in age of majority</sup> has attained the age of eighteen years but has not attained the age of twenty-one years, has attained the age of majority and ceased to be a minor.

**2.** Section 1 applies for the purpose of any rule of law in <sup>Application of s. 1</sup> respect of which the Legislature has jurisdiction.

**3.**—(1) In the absence of a definition or of an indication of a contrary intention, section 1 applies for the construction of <sup>References to "minor" and similar expressions</sup> the expression “adult”, “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in,

(a) any Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and

(b) any deed, will or other instrument made on or after the day this Act comes into force.

(2) The use of any expression set out in subsection 1 or <sup>Idem</sup> any similar expression shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**4.**—(1) The statutory provisions specified in the Schedule <sup>References to age of 21 in Acts, amended</sup> are amended by striking out the references therein to the age of twenty-one years and by substituting therefor in each instance a reference to the age of eighteen years.

**Effective date of amendments** (2) An amendment under subsection 1 to a statutory provision specified in the Schedule does not come into force until a day named therefor by the Lieutenant Governor by his proclamation.

**References in Federal Acts adopted by reference** 5. Where, by any Act of the Legislature, an Act of Parliament or any provision thereof is made to apply in respect of any Act or matter or thing over which the Legislature has jurisdiction, in applying that Act of Parliament, or that provision thereof in respect of that Act, matter or thing, any reference to the age of twenty-one years in the Act of Parliament or that provision thereof shall be read as a reference to the age of eighteen years.

**References in court orders** 6.—(1) In any order or direction of a court made before the day this Act comes into force, in the absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between eighteen and twenty-one years or to any of the expressions referred to in subsection 1 of section 3, and similar expressions shall be read as a reference to the age of eighteen years.

**Idem** (2) The use of the words “twenty-one years” in an order or direction referred to in subsection 1 shall not in itself be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**Computing age** 7.—(1) The time at which a person attains a particular age expressed in years shall be on the commencement of the relevant anniversary of the date of his birth.

**Idem** (2) This section applies only where the relevant anniversary falls on a day after the day on which this section comes into force, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

**Existing wills** 8. Notwithstanding any rule of law, a will or codicil executed before the day on which this Act comes into force shall not be treated for the purposes of this Act as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.

**Enactments incorporated in existing deeds, etc.** 9. This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or by-law made thereunder that is incorporated in and has effect as part of a deed, will or other instrument if the construction of the deed, will or other instrument is not affected by section 3.

**10.** This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other instrument and executed before the day this Act comes into force that, but for this Act, was a permissible period of accumulation.

**11.** This Act does not apply so as to affect the law relating to perpetuities.

**12.** This Act does not prejudice a right of action or a defence to an action based upon the age of a party and that was in existence on the day this Act comes into force and, notwithstanding this Act, the law that was in force immediately prior to that day applies in that case.

**13.** Where, on the day this Act comes into force, a person has,

- (a) attained the age of eighteen years but has not attained the age of twenty-one years; and
- (b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of twenty-one years had this Act not been enacted,

the period of limitation in respect of that right of action commences to run on the day this Act comes into force.

**14.** Nothing in this Act prevents the making of an adoption order under *The Child Welfare Act, 1965* in respect of a person who has attained the age of eighteen years where the application for the adoption order was made before the day this Act comes into force and in that case, *The Child Welfare Act, 1965* applies as if this Act had not been enacted.

**15.** A person who has not attained the age of eighteen years may be described as a minor instead of as an infant.

**16.** Section 15 of *The Infants Act* is repealed and the following substituted therefor:

15. Nothing in sections 13 and 14 applies to a male infant under the age of eighteen years or to a female infant under the age of sixteen years.

**17.** Subsection 2 of section 6 of *The Municipal Health Services Act* is amended by striking out "or over and less than twenty-one years of age" in the second line.

R.S.O. 1960,  
c. 105, s. 2,  
subs. 3,  
amended

**18.**—(1) Subsection 3 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after "years" in the third line "or is sixteen or seventeen years of age and in full-time attendance at an educational institution".

R.S.O. 1960,  
c. 55, s. 1,  
amended

(2) Section 1 of *The Children's Maintenance Act* is amended by inserting after "years" in the second line "or who is or are sixteen or seventeen years of age and in full-time attendance at an educational institution".

1965, c. 14,  
s. 19, subs. 1,  
cl. a,  
amended

(3) Clause *a* of subsection 1 of section 19 of *The Child Welfare Act, 1965* is amended by inserting after "child" in the first line "except in subclause viii of clause *b*".

1965, c. 14,  
s. 19, subs. 1,  
cl. b, subcl.  
viii,  
re-enacted

(4) Subclause viii of clause *b* of subsection 1 of section 19 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

(viii) a boy or girl actually or apparently under eighteen years of age whose parent is unable to control him or her.

R.S.O. 1960,  
c. 187, s. 1,  
amended

(5) Section 1 of *The Infants Act*, as amended by section 1 of *The Infants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Interpre-  
tation

(3a) In subsection 3, "infant" means a person under sixteen years of age or a person sixteen or seventeen years of age who is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood.

R.S.O. 1960,  
c. 232, s. 5,  
amended

(6) Section 5 of *The Matrimonial Causes Act* is amended by adding thereto the following subsection:

Interpre-  
tation

(3) In this section, "children" means persons under sixteen years of age or persons sixteen or seventeen years of age who are in full-time attendance at an educational institution or through illness or infirmity are unable to earn a livelihood.

Commence-  
ment

**19.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The Age of Majority and Accountability Act, 1971*.

## SCHEDELE

1. *The Agricultural Development Act*
  - i. Clause *a* of section 11.
2. *The Apprenticeship and Tradesmen's Qualification Act, 1964*
  - i. Subclause iii of clause *c* of section 13.
  - ii. Section 15.
3. *The Assessment Act, 1968-69*
  - i. Clauses *e*, *f* and *g* of subsection 1 of section 18.
4. *The Business Corporations Act, 1970*
  - i. Subsections 1 and 5 of section 4.
  - ii. Subsection 1 of section 125.
5. *The Change of Name Act*
  - i. Clauses *a* and *b* of subsection 3 of section 12, as amended by section 1 of *The Change of Name Amendment Act, 1968-69*.
6. *The Child Welfare Act, 1965*
  - i. Subsection 4 of section 19, as amended by subsection 5 of section 6 of *The Child Welfare Amendment Act, 1970*.
  - ii. Subsection 1 of section 52, as amended by subsection 1 of section 18 of *The Child Welfare Amendment Act, 1970*.
  - iii. Subsection 4 of section 70, as re-enacted by section 20 of *The Child Welfare Amendment Act, 1970*.
  - iv. Clauses *a* and *b* of subsection 1 and subsection 4 of section 72.
  - v. Subsections 1 and 2 and subsection 7, as enacted by subsection 3 of section 21 of *The Child Welfare Amendment Act, 1970*.
  - vi. Subsection 1 of section 75.
7. *The Children's Institutions Act, 1962-63*
  - i. Clause *ab* of section 1, as relettered by subsection 1 of section 1 of *The Children's Institutions Amendment Act, 1968*.

8. *The Commissioners for Taking Affidavits Act*
  - i. Subsection 1 of section 6, as re-enacted by section 3 of *The Commissioners for Taking Affidavits Amendment Act, 1968-69*.
  
9. *The Corporations Act*
  - i. Subsection 1 of section 3.
  - ii. Subsection 1 of section 188.
  - iii. Subsection 1 of section 197.
  - iv. Subsection 1 of section 200, as re-enacted by section 1 of *The Corporations Amendment Act, 1960-61*.
  - v. Section 223, as amended by section 8 of *The Corporations Amendment Act, 1962-63* and section 9 of *The Corporations Amendment Act, 1968-69*.
  - vi. Subsection 4 of section 299.
  
10. *The Credit Unions Act*
  - i. Section 25.
  
11. *The Dower Act*
  - i. Section 20.
  
12. *The Election Act, 1968-69*
  - i. Clause *a* of subsection 1 of section 9.
  
13. *The Homes for the Aged and Rest Homes Act*
  - i. Clauses *a* and *b* of subsection 2 of section 13, as enacted by subsection 2 of section 5 of *The Homes for the Aged Amendment Act, 1966*.
  
14. *The Infants Act*
  - i. Subsection 1 of section 13.
  - ii. Section 17.
  
15. *The Junior Farmer Establishment Act*
  - i. Clause *a* of subsection 1 of section 11, as amended by subsection 1 of section 4 of *The Junior Farmer Establishment Amendment Act, 1962-63*.

16. *The Jurors Act*
  - i. Subsection 1 of section 2.
  - ii. Subsection 5 of section 44.
17. *The Legislative Assembly Act*
  - i. Subsection 1 of section 6.
18. *The Liquor Control Act*
  - i. Subsections 1 and 2, subsection 3 as amended by section 51 of *The Liquor Control Amendment Act, 1965*, and subsection 4 of section 82.
19. *The Liquor Licence Act*
  - i. Subsection 1, subsection 2, as amended by section 18 of *The Liquor Licence Amendment Act, 1965*, and subsection 5 of section 53.
  - ii. Subsections 1 and 2 of section 54.
20. *The Loan and Trust Corporations Act*
  - i. Subsection 2 of section 34, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1961-62*.
  - ii. Section 93.
21. *The Local Roads Boards Act, 1964*
  - i. Subsections 1 and 2 of section 4.
  - ii. Clause *a* of section 5.
22. *The Mining Act*
  - i. Section 32.
23. *The Municipal Act*
  - i. Subsection 8 of section 10.
  - ii. Subsection 2 of section 14.
  - iii. Clause *d* of subsection 1 and subsection 5 of section 34.
  - iv. Clause *a* of subsection 1 of section 37.
  - v. Form 1, as amended by section 21 of *The Municipal Amendment Act, 1962-63* and section 32 of *The Municipal Amendment Act, 1968-69*.

- vi. Form 12, as amended by section 38 of *The Municipal Amendment Act, 1966*.
24. *The Municipal Franchise Extension Act*
- i. Clause *a* of subsection 2 of section 1.
  - ii. Section 2.
25. *The Partnerships Registration Act*
- i. Clause *e* of section 2.
26. *The Public Libraries Act, 1966*
- i. Clause *b* of section 4.
  - ii. Subsection 5 of section 7.
  - iii. Subsection 2 of section 48.
27. *The Public Schools Act*
- i. Clause *b* of subsection 1 of section 18, as re-enacted by section 8 of *The Public Schools Amendment Act, 1966*.
  - ii. Subsection 7 of section 56*c*, as enacted by section 36 of *The Public Schools Amendment Act, 1966*.
28. *The Registry Act*
- i. Subsection 1, subsection 2 as amended by subsection 1 of section 8 of *The Registry Amendment Act, 1968-69*, and subsections 3 and 4, of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*.
29. *The Secondary Schools and Boards of Education Act*
- i. Clause *b* of subsection 1 of section 21, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*.
  - ii. Clause *b* of subsection 1 of section 93, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*.
30. *The Seduction Act*
- i. Section 4.

31. *The Separate Schools Act*

- i. Section 18a, as enacted by section 2 of *The Separate Schools Amendment Act, 1965*.
- ii. Subsection 1 of section 21b, as enacted by section 2 of *The Separate Schools Amendment Act, 1962-63*.
- iii. Subsection 1 of section 26.
- iv. Subsection 12 of section 27, as re-enacted by section 5 of *The Separate Schools Amendment Act, 1965*.
- v. Clause a of section 40, as amended by section 8 of *The Separate Schools Amendment Act, 1965*.

32. *The Statute Labour Act*

- i. Clause a of subsection 1 of section 6.
- ii. Clause a of subsection 2 of section 17.
- iii. Subsection 1 of section 20.
- iv. Clause a of subsection 3 of section 25.

33. *The Succession Duty Act*

- i. Clause c of subsection 8 of section 7.

34. *The Surrogate Courts Act*

- i. Subsection 1 of section 49.

35. *The Vital Statistics Act*

- i. Subclause ii of clause c of subsection 1 of section 12, as re-enacted by section 3 of *The Vital Statistics Amendment Act, 1965*.

36. *The Wills Act*

- i. Section 10.
- ii. Subsection 2 of section 13.

37. *The Workmen's Compensation Act*

- i. Subsection 5 of section 9, as re-enacted by subsection 4 of section 4 of *The Workmen's Compensation Amendment Act, 1968*.
- ii. Section 50, as re-enacted by section 12 of *The Workmen's Compensation Amendment Act, 1968*.

An Act respecting the Age of  
Majority and Accountability

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*1st Reading*

July 12th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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(*Government Bill*)

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**BILL 122**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act respecting the Age of Majority and Accountability**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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(Reprinted as amended by the Committee of the Whole House)



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

In accordance with the recommendations of the Ontario Law Reform Commission, the Bill reduces the age of majority from 21 to 18 years of age and specifically amends a number of enactments, including those in relation to drinking and election age, to substitute a reference to 18 years of age for references to 21 years of age.

Also in accordance with the recommendations of the Ontario Law Reform Commission, the Bill, in section 18, empowers the courts to award maintenance in respect of children 16 or 17 years of age who are in full-time attendance at some educational institution and provides that Part II of *The Child Welfare Act, 1965* respecting protection and care of neglected children will apply to a boy or girl actually or apparently under 18 years of age whose parent is unable to control him or her.

**BILL 122****1971**

**An Act respecting  
the Age of Majority and Accountability**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Every person attains the age of majority and ceases <sup>Age of majority</sup> to be a minor on attaining the age of eighteen years.

(2) Every person who on the day this Act comes into force <sup>Reduction in age of majority</sup> has attained the age of eighteen years but has not attained the age of twenty-one years, has attained the age of majority and ceased to be a minor.

**2.** Section 1 applies for the purpose of any rule of law in <sup>Application of s. 1</sup> respect of which the Legislature has jurisdiction.

**3.**—(1) In the absence of a definition or of an indication of a contrary intention, section 1 applies for the construction of the expression "adult", "full age", "infant", "infancy", "minor", "minority" and similar expressions in,

(a) any Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and

(b) any deed, will or other instrument made on or after the day this Act comes into force.

(2) The use of any expression set out in subsection 1 or <sup>Idem</sup> any similar expression shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**4.**—(1) The statutory provisions specified in the Schedule <sup>References to age of 21 in Acts, amended</sup> are amended by striking out the references therein to the age of twenty-one years and by substituting therefor in each instance a reference to the age of eighteen years.

**Effective date of amendments** (2) An amendment under subsection 1 to a statutory provision specified in the Schedule does not come into force until a day named therefor by the Lieutenant Governor by his proclamation.

**References in Federal Acts adopted by reference** **5.** Where, by any Act of the Legislature, an Act of Parliament or any provision thereof is made to apply in respect of any Act or matter or thing over which the Legislature has jurisdiction, in applying that Act of Parliament, or that provision thereof in respect of that Act, matter or thing, any reference to the age of twenty-one years in the Act of Parliament or that provision thereof shall be read as a reference to the age of eighteen years.

**References in court orders** **6.**—(1) In any order or direction of a court made before the day this Act comes into force, in the absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between eighteen and twenty-one years or to any of the expressions referred to in subsection 1 of section 3, and similar expressions shall be read as a reference to the age of eighteen years.

**Idem** **(2)** The use of the words “twenty-one years” in an order or direction referred to in subsection 1 shall not in itself be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**Computing age** **7.**—(1) The time at which a person attains a particular age expressed in years shall be on the commencement of the relevant anniversary of the date of his birth.

**Idem** **(2)** This section applies only where the relevant anniversary falls on a day after the day on which this section comes into force, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

**Existing wills** **8.** Notwithstanding any rule of law, a will or codicil executed before the day on which this Act comes into force shall not be treated for the purposes of this Act as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.

**Enactments incorporated in existing deeds, etc.** **9.** This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or by-law made thereunder that is incorporated in and has effect

as part of a deed, will or other instrument if the construction of the deed, will or other instrument is not affected by section 3.

**10.** This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other instrument and executed before the day this Act comes into force that, but for this Act, was a permissible period of accumulation. Accumulations

**11.** This Act does not apply so as to affect the law Perpetuities relating to perpetuities.

**12.** This Act does not prejudice a right of action or a Actions and defences defence to an action based upon the age of a party and that was in existence on the day this Act comes into force and, notwithstanding this Act, the law that was in force immediately prior to that day applies in that case.

**13.** Where, on the day this Act comes into force, a person Limitation of actions has,

(a) attained the age of eighteen years but has not attained the age of twenty-one years; and

(b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of twenty-one years had this Act not been enacted,

the period of limitation in respect of that right of action commences to run on the day this Act comes into force.

**14.** Nothing in this Act prevents the making of an Adoptions adoption order under *The Child Welfare Act, 1965* in respect 1965, c. 14 of a person who has attained the age of eighteen years where the application for the adoption order was made before the day this Act comes into force and in that case, *The Child Welfare Act, 1965* applies as if this Act had not been enacted.

**15.** A person who has not attained the age of eighteen Persons under 18 described as minors years may be described as a minor instead of as an infant.

**16.** Section 15 of *The Infants Act* is repealed and the R.S.O. 1960,  
c. 187, s. 15,  
re-enacted following substituted therefor:

**Case of males under 18 and females under 16**

15. Nothing in sections 13 and 14 applies to a male infant under the age of eighteen years or to a female infant under the age of sixteen years.

**R.S.O. 1960, c. 256, s. 6,  
subs. 2,  
amended**

**17.** Subsection 2 of section 6 of *The Municipal Health Services Act* is amended by striking out "or over and less than twenty-one years of age" in the second line.

**R.S.O. 1960,  
c. 105, s. 2,  
subs. 3,  
amended**

**18.—(1)** Subsection 3 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after "years" in the third line "or is sixteen or seventeen years of age and in full-time attendance at an educational institution".

**R.S.O. 1960,  
c. 55, s. 1,  
amended**

**(2)** Section 1 of *The Children's Maintenance Act* is amended by inserting after "years" in the second line "or who is or are sixteen or seventeen years of age and in full-time attendance at an educational institution".

**R.S.O. 1960,  
c. 187, s. 1,  
amended**

**(3)** Section 1 of *The Infants Act*, as amended by section 1 of *The Infants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

**Interpre-  
tation**

**(3a)** In subsection 3, "infant" means a person under sixteen years of age or a person sixteen or seventeen years of age who is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood.

**R.S.O. 1960,  
c. 232, s. 5,  
amended**

**(4)** Section 5 of *The Matrimonial Causes Act* is amended by adding thereto the following subsection:

**(3)** In this section, "children" means persons under sixteen years of age or persons sixteen or seventeen years of age who are in full-time attendance at an educational institution or through illness or infirmity are unable to earn a livelihood.

**Commencement**

**19.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**20.** This Act may be cited as *The Age of Majority and Accountability Act, 1971*.

## SCHEDEULE

1. *The Agricultural Development Act*
  - i. Clause *a* of section 11.
2. *The Apprenticeship and Tradesmen's Qualification Act, 1964*
  - i. Subclause iii of clause *c* of section 13.
  - ii. Section 15.
3. *The Assessment Act, 1968-69*
  - i. Clauses *e*, *f* and *g* of subsection 1 of section 18.
4. *The Business Corporations Act, 1970*
  - i. Subsections 1 and 5 of section 4.
  - ii. Subsection 1 of section 125.
5. *The Change of Name Act*
  - i. Clauses *a* and *b* of subsection 3 of section 12, as amended by section 1 of *The Change of Name Amendment Act, 1968-69*.
6. *The Child Welfare Act, 1965*
  - i. Subsection 4 of section 19, as amended by subsection 5 of section 6 of *The Child Welfare Amendment Act, 1970*.
  - ii. Subsection 1 of section 52, as amended by subsection 1 of section 18 of *The Child Welfare Amendment Act, 1970*.
  - iii. Subsection 4 of section 70, as re-enacted by section 20 of *The Child Welfare Amendment Act, 1970*.
  - iv. Clauses *a* and *b* of subsection 1 and subsection 4 of section 72.
  - v. Subsections 1 and 2 and subsection 7, as enacted by subsection 3 of section 21 of *The Child Welfare Amendment Act, 1970*.
  - vi. Subsection 1 of section 75.
7. *The Children's Institutions Act, 1962-63*
  - i. Clause *ab* of section 1, as relettered by subsection 1 of section 1 of *The Children's Institutions Amendment Act, 1968*.

8. *The Commissioners for Taking Affidavits Act*

- i. Subsection 1 of section 6, as re-enacted by section 3 of *The Commissioners for Taking Affidavits Amendment Act, 1968-69*.

9. *The Corporations Act*

- i. Subsection 1 of section 3.
- ii. Subsection 1 of section 188.
- iii. Subsection 1 of section 197.
- iv. Subsection 1 of section 200, as re-enacted by section 1 of *The Corporations Amendment Act, 1960-61*.
- v. Section 223, as amended by section 8 of *The Corporations Amendment Act, 1962-63* and section 9 of *The Corporations Amendment Act, 1968-69*.
- vi. Subsection 4 of section 299.

10. *The Credit Unions Act*

- i. Section 25.

11. *The Dower Act*

- i. Section 20.

12. *The Election Act, 1968-69*

- i. Clause *a* of subsection 1 of section 9.

13. *The Homes for the Aged and Rest Homes Act*

- i. Clauses *a* and *b* of subsection 2 of section 13, as enacted by subsection 2 of section 5 of *The Homes for the Aged Amendment Act, 1966*.

14. *The Infants Act*

- i. Subsection 1 of section 13.
- ii. Section 17.

15. *The Junior Farmer Establishment Act*

- i. Clause *a* of subsection 1 of section 11, as amended by subsection 1 of section 4 of *The Junior Farmer Establishment Amendment Act, 1962-63*.

16. *The Jurors Act*

- i. Subsection 1 of section 2.
- ii. Subsection 5 of section 44.

17. *The Legislative Assembly Act*

- i. Subsection 1 of section 6.

18. *The Liquor Control Act*

- i. Subsections 1 and 2, subsection 3 as amended by section 51 of *The Liquor Control Amendment Act, 1965*, and subsection 4 of section 82.

19. *The Liquor Licence Act*

- i. Subsection 1, subsection 2, as amended by section 18 of *The Liquor Licence Amendment Act, 1965*, and subsection 5 of section 53.
- ii. Subsections 1 and 2 of section 54.

20. *The Loan and Trust Corporations Act*

- i. Subsection 2 of section 34, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1961-62*.
- ii. Section 93.

21. *The Local Roads Boards Act, 1964*

- i. Subsections 1 and 2 of section 4.
- ii. Clause *a* of section 5.

22. *The Mining Act*

- i. Section 32.

23. *The Municipal Act*

- i. Subsection 8 of section 10.
- ii. Subsection 2 of section 14.
- iii. Clause *d* of subsection 1 and subsection 5 of section 34.
- iv. Clause *a* of subsection 1 of section 37.
- v. Form 1, as amended by section 21 of *The Municipal Amendment Act, 1962-63* and section 32 of *The Municipal Amendment Act, 1968-69*.

- vi. Form 12, as amended by section 38 of *The Municipal Amendment Act, 1966*.
24. *The Municipal Franchise Extension Act*
- i. Clause *a* of subsection 2 of section 1.
  - ii. Section 2.
25. *The Partnerships Registration Act*
- i. Clause *e* of section 2.
26. *The Public Libraries Act, 1966*
- i. Clause *b* of section 4.
  - ii. Subsection 5 of section 7.
  - iii. Subsection 2 of section 48.
27. *The Public Schools Act*
- i. Clause *b* of subsection 1 of section 18, as re-enacted by section 8 of *The Public Schools Amendment Act, 1966*.
  - ii. Subsection 7 of section 56*c*, as enacted by section 36 of *The Public Schools Amendment Act, 1966*.
28. *The Registry Act*
- i. Subsection 1, subsection 2 as amended by subsection 1 of section 8 of *The Registry Amendment Act, 1968-69*, and subsections 3 and 4, of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*.
29. *The Secondary Schools and Boards of Education Act*
- i. Clause *b* of subsection 1 of section 21, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*.
  - ii. Clause *b* of subsection 1 of section 93, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*.
30. *The Seduction Act*
- i. Section 4.

31. *The Separate Schools Act*

- i. Section 18a, as enacted by section 2 of *The Separate Schools Amendment Act, 1965*.
- ii. Subsection 1 of section 21b, as enacted by section 2 of *The Separate Schools Amendment Act, 1962-63*.
- iii. Subsection 1 of section 26.
- iv. Subsection 12 of section 27, as re-enacted by section 5 of *The Separate Schools Amendment Act, 1965*.
- v. Clause a of section 40, as amended by section 8 of *The Separate Schools Amendment Act, 1965*.

32. *The Statute Labour Act*

- i. Clause a of subsection 1 of section 6.
- ii. Clause a of subsection 2 of section 17.
- iii. Subsection 1 of section 20.
- iv. Clause a of subsection 3 of section 25.

33. *The Succession Duty Act*

- i. Clause c of subsection 8 of section 7.

34. *The Surrogate Courts Act*

- i. Subsection 1 of section 49.

35. *The Vital Statistics Act*

- i. Subclause ii of clause c of subsection 1 of section 12, as re-enacted by section 3 of *The Vital Statistics Amendment Act, 1965*.

36. *The Wills Act*

- i. Section 10.
- ii. Subsection 2 of section 13.

37. *The Workmen's Compensation Act*

- i. Subsection 5 of section 9, as re-enacted by subsection 4 of section 4 of *The Workmen's Compensation Amendment Act, 1968*.
- ii. Section 50, as re-enacted by section 12 of *The Workmen's Compensation Amendment Act, 1968*.

**BILL 122**

An Act respecting the Age of  
Majority and Accountability

---

*1st Reading*

July 12th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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(*Reprinted as amended by the  
Committee of the Whole House*)

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**BILL 122**

Publication

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act respecting the Age of Majority and Accountability**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 122

1971

**An Act respecting  
the Age of Majority and Accountability**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years.

(2) Every person who on the day this Act comes into force has attained the age of eighteen years but has not attained the age of twenty-one years, has attained the age of majority and ceased to be a minor.

**2.** Section 1 applies for the purpose of any rule of law in respect of which the Legislature has jurisdiction.

**3.**—(1) In the absence of a definition or of an indication of a contrary intention, section 1 applies for the construction of the expression “adult”, “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in,

(a) any Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and

(b) any deed, will or other instrument made on or after the day this Act comes into force.

(2) The use of any expression set out in subsection 1 or *Idem* any similar expression shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**4.**—(1) The statutory provisions specified in the Schedule are amended by striking out the references therein to the age of twenty-one years and by substituting therefor in each instance a reference to the age of eighteen years.

**Effective date of amendments** (2) An amendment under subsection 1 to a statutory provision specified in the Schedule does not come into force until a day named therefor by the Lieutenant Governor by his proclamation.

**References in Federal Acts adopted by reference** **5.** Where, by any Act of the Legislature, an Act of Parliament or any provision thereof is made to apply in respect of any Act or matter or thing over which the Legislature has jurisdiction, in applying that Act of Parliament, or that provision thereof in respect of that Act, matter or thing, any reference to the age of twenty-one years in the Act of Parliament or that provision thereof shall be read as a reference to the age of eighteen years.

**References in court orders** **6.**—(1) In any order or direction of a court made before the day this Act comes into force, in the absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between eighteen and twenty-one years or to any of the expressions referred to in subsection 1 of section 3, and similar expressions shall be read as a reference to the age of eighteen years.

**Idem** (2) The use of the words “twenty-one years” in an order or direction referred to in subsection 1 shall not in itself be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

**Computing age** **7.**—(1) The time at which a person attains a particular age expressed in years shall be on the commencement of the relevant anniversary of the date of his birth.

**Idem** (2) This section applies only where the relevant anniversary falls on a day after the day on which this section comes into force, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

**Existing wills** **8.** Notwithstanding any rule of law, a will or codicil executed before the day on which this Act comes into force shall not be treated for the purposes of this Act as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.

**Enactments incorporated in existing deeds, etc.** **9.** This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or by-law made thereunder that is incorporated in and has effect

as part of a deed, will or other instrument if the construction of the deed, will or other instrument is not affected by section 3.

**10.** This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other instrument and executed before the day this Act comes into force that, but for this Act, was a permissible period of accumulation. Accumulations

**11.** This Act does not apply so as to affect the law Perpetuities relating to perpetuities.

**12.** This Act does not prejudice a right of action or a Actions and defences defence to an action based upon the age of a party and that was in existence on the day this Act comes into force and, notwithstanding this Act, the law that was in force immediately prior to that day applies in that case.

**13.** Where, on the day this Act comes into force, a person Limitation of actions has,

- (a) attained the age of eighteen years but has not attained the age of twenty-one years; and
- (b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of twenty-one years had this Act not been enacted,

the period of limitation in respect of that right of action commences to run on the day this Act comes into force.

**14.** Nothing in this Act prevents the making of an Adoptions adoption order under *The Child Welfare Act, 1965* in respect 1965, c. 14 of a person who has attained the age of eighteen years where the application for the adoption order was made before the day this Act comes into force and in that case, *The Child Welfare Act, 1965* applies as if this Act had not been enacted.

**15.** A person who has not attained the age of eighteen Persons under 18 described as minors years may be described as a minor instead of as an infant.

**16.** Section 15 of *The Infants Act* is repealed and the R.S.O. 1960,  
c. 187, s. 15,  
re-enacted following substituted therefor:

Case of males  
under 18 and  
females under  
16

15. Nothing in sections 13 and 14 applies to a male infant under the age of eighteen years or to a female infant under the age of sixteen years.

R.S.O. 1960,  
c. 256, s. 6,  
subs. 2,  
amended

- 17.** Subsection 2 of section 6 of *The Municipal Health Services Act* is amended by striking out "or over and less than twenty-one years of age" in the second line.

R.S.O. 1960,  
c. 105, s. 2,  
subs. 3,  
amended

- 18.**—(1) Subsection 3 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after "years" in the third line "or is sixteen or seventeen years of age and in full-time attendance at an educational institution".

R.S.O. 1960,  
c. 55, s. 1,  
amended

- (2) Section 1 of *The Children's Maintenance Act* is amended by inserting after "years" in the second line "or who is or are sixteen or seventeen years of age and in full-time attendance at an educational institution".

R.S.O. 1960,  
c. 187, s. 1,  
amended

- (3) Section 1 of *The Infants Act*, as amended by section 1 of *The Infants Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Interpre-  
tation

- (3a) In subsection 3, "infant" means a person under sixteen years of age or a person sixteen or seventeen years of age who is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood.

R.S.O. 1960,  
c. 232, s. 5,  
amended

- (4) Section 5 of *The Matrimonial Causes Act* is amended by adding thereto the following subsection:

- (3) In this section, "children" means persons under sixteen years of age or persons sixteen or seventeen years of age who are in full-time attendance at an educational institution or through illness or infirmity are unable to earn a livelihood.

Commencement

- 19.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 20.** This Act may be cited as *The Age of Majority and Accountability Act, 1971*.

## SCHEDULE

1. *The Agricultural Development Act*
  - i. Clause *a* of section 11.
2. *The Apprenticeship and Tradesmen's Qualification Act, 1964*
  - i. Subclause iii of clause *c* of section 13.
  - ii. Section 15.
3. *The Assessment Act, 1968-69*
  - i. Clauses *e*, *f* and *g* of subsection 1 of section 18.
4. *The Business Corporations Act, 1970*
  - i. Subsections 1 and 5 of section 4.
  - ii. Subsection 1 of section 125.
5. *The Change of Name Act*
  - i. Clauses *a* and *b* of subsection 3 of section 12, as amended by section 1 of *The Change of Name Amendment Act, 1968-69*.
6. *The Child Welfare Act, 1965*
  - i. Subsection 4 of section 19, as amended by subsection 5 of section 6 of *The Child Welfare Amendment Act, 1970*.
  - ii. Subsection 1 of section 52, as amended by subsection 1 of section 18 of *The Child Welfare Amendment Act, 1970*.
  - iii. Subsection 4 of section 70, as re-enacted by section 20 of *The Child Welfare Amendment Act, 1970*.
  - iv. Clauses *a* and *b* of subsection 1 and subsection 4 of section 72.
  - v. Subsections 1 and 2 and subsection 7, as enacted by subsection 3 of section 21 of *The Child Welfare Amendment Act, 1970*, of section 73.
  - vi. Subsection 1 of section 75.
7. *The Children's Institutions Act, 1962-63*
  - i. Clause *ab* of section 1, as relettered by subsection 1 of section 1 of *The Children's Institutions Amendment Act, 1968*.

8. *The Commissioners for Taking Affidavits Act*

- i. Subsection 1 of section 6, as re-enacted by section 3 of *The Commissioners for Taking Affidavits Amendment Act, 1968-69*.

9. *The Corporations Act*

- i. Subsection 1 of section 3.
- ii. Subsection 1 of section 188.
- iii. Subsection 1 of section 197.
- iv. Subsection 1 of section 200, as re-enacted by section 1 of *The Corporations Amendment Act, 1960-61*.
- v. Section 223, as amended by section 8 of *The Corporations Amendment Act, 1962-63* and section 9 of *The Corporations Amendment Act, 1968-69*.
- vi. Subsection 4 of section 299.

10. *The Credit Unions Act*

- i. Section 25.

11. *The Dower Act*

- i. Section 20.

12. *The Election Act, 1968-69*

- i. Clause *a* of subsection 1 of section 9.

13. *The Homes for the Aged and Rest Homes Act*

- i. Clauses *a* and *b* of subsection 2 of section 13, as enacted by subsection 2 of section 5 of *The Homes for the Aged Amendment Act, 1966*.

14. *The Infants Act*

- i. Subsection 1 of section 13.
- ii. Section 17.

15. *The Junior Farmer Establishment Act*

- i. Clause *a* of subsection 1 of section 11, as amended by subsection 1 of section 4 of *The Junior Farmer Establishment Amendment Act, 1962-63*.

16. *The Jurors Act*

- i. Subsection 1 of section 2.
- ii. Subsection 5 of section 44.

17. *The Legislative Assembly Act*

- i. Subsection 1 of section 6.

18. *The Liquor Control Act*

- i. Subsections 1 and 2, subsection 3 as amended by section 51 of *The Liquor Control Amendment Act, 1965*, and subsection 4 of section 82.

19. *The Liquor Licence Act*

- i. Subsection 1, subsection 2, as amended by section 18 of *The Liquor Licence Amendment Act, 1965*, and subsection 5 of section 53.
- ii. Subsections 1 and 2 of section 54.

20. *The Loan and Trust Corporations Act*

- i. Subsection 2 of section 34, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1961-62*.
- ii. Section 93.

21. *The Local Roads Boards Act, 1964*

- i. Subsections 1 and 2 of section 4.
- ii. Clause *a* of section 5.

22. *The Mining Act*

- i. Section 32.

23. *The Municipal Act*

- i. Subsection 8 of section 10.
- ii. Subsection 2 of section 14.
- iii. Clause *d* of subsection 1 and subsection 5 of section 34.
- iv. Clause *a* of subsection 1 of section 37.
- v. Form 1, as amended by section 21 of *The Municipal Amendment Act, 1962-63* and section 32 of *The Municipal Amendment Act, 1968-69*.

- vi. Form 12, as amended by section 38 of *The Municipal Amendment Act, 1966*.
24. *The Municipal Franchise Extension Act*
- i. Clause *a* of subsection 2 of section 1.
  - ii. Section 2.
25. *The Partnerships Registration Act*
- i. Clause *e* of section 2.
26. *The Public Libraries Act, 1966*
- i. Clause *b* of section 4.
  - ii. Subsection 5 of section 7.
  - iii. Subsection 2 of section 48.
27. *The Public Schools Act*
- i. Clause *b* of subsection 1 of section 18, as re-enacted by section 8 of *The Public Schools Amendment Act, 1966*.
  - ii. Subsection 7 of section 56*c*, as enacted by section 36 of *The Public Schools Amendment Act, 1966*.
28. *The Registry Act*
- i. Subsection 1, subsection 2 as amended by subsection 1 of section 8 of *The Registry Amendment Act, 1968-69*, and subsections 3 and 4, of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*.
29. *The Secondary Schools and Boards of Education Act*
- i. Clause *b* of subsection 1 of section 21, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*.
  - ii. Clause *b* of subsection 1 of section 93, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*.
30. *The Seduction Act*
- i. Section 4.

31. *The Separate Schools Act*

- i. Section 18a, as enacted by section 2 of *The Separate Schools Amendment Act, 1965*.
- ii. Subsection 1 of section 21b, as enacted by section 2 of *The Separate Schools Amendment Act, 1962-63*.
- iii. Subsection 1 of section 26.
- iv. Subsection 12 of section 27, as re-enacted by section 5 of *The Separate Schools Amendment Act, 1965*.
- v. Clause a of section 40, as amended by section 8 of *The Separate Schools Amendment Act, 1965*.

32. *The Statute Labour Act*

- i. Clause a of subsection 1 of section 6.
- ii. Clause a of subsection 2 of section 17.
- iii. Subsection 1 of section 20.
- iv. Clause a of subsection 3 of section 25.

33. *The Succession Duty Act*

- i. Clause c of subsection 8 of section 7.

34. *The Surrogate Courts Act*

- i. Subsection 1 of section 49.

35. *The Vital Statistics Act*

- i. Subclause ii of clause c of subsection 1 of section 12, as re-enacted by section 3 of *The Vital Statistics Amendment Act, 1965*.

36. *The Wills Act*

- i. Section 10.
- ii. Subsection 2 of section 13.

37. *The Workmen's Compensation Act*

- i. Subsection 5 of section 9, as re-enacted by subsection 4 of section 4 of *The Workmen's Compensation Amendment Act, 1968*.
- ii. Section 50, as re-enacted by section 12 of *The Workmen's Compensation Amendment Act, 1968*.

**BILL 122**

An Act respecting the Age of  
Majority and Accountability

---

*1st Reading*

July 12th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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~~BILL 123~~

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**The Provincial Parks Municipal Tax Assistance Act, 1971**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

**EXPLANATORY NOTE**

The Bill provides for the payment of grants to municipalities in which are situate one or more provincial parks or a part thereof.

**BILL 123****1971**

**The Provincial Parks Municipal  
Tax Assistance Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tion

- (a) "Department" means the Department of Municipal Affairs;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "provincial park" means a provincial park or part thereof as determined under section 2.

**2.**—(1) Subject to section 6, the Minister of Lands and Forests shall annually, on or before the 1st day of February, determine and advise the Department of,

Determina-  
tion by  
Minister of  
Lands and  
Forests

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or a part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding subsection 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks  
deemed not  
separated  
from munici-  
palities  
R.S.O. 1960,  
c. 314

(3) The determination of the Minister of Lands and Forests under subsection 1 is final.

Determina-  
tion final

**Payments**

**3.** Commencing with the year 1971, the Department may pay in each year to a municipality in which there is one or more provincial parks,

- (a) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park to a maximum of 10,000 acres; or
- (b) \$100,

whichever is the greater.

**Municipal assessment deemed increased**

**4.** The assessment of a municipality that receives a payment under section 3 that is used for apportioning,

1968-69, c. 6

- (a) a county rate under section 73 of *The Assessment Act, 1968-69*;

R.S.O. 1960,  
c. 260

- (b) a metropolitan levy under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes;

1968, c. 115

- (c) a regional levy under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*, section 126 of *The Regional Municipality of Niagara Act, 1968-69*, or section 122 of *The Regional Municipality of York Act, 1970*; or

1968-69, c. 106

1970, c. 50

- (d) a district levy under section 99 of *The District Municipality of Muskoka Act, 1970*,

shall be deemed to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

**Moneys**

**5.** The moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature.

**Determination for 1971**

**6.** The annual determination required under section 2 shall be made for the purpose of payments in 1971 as soon as is practicable after the coming into force of this Act.

**Commencement**

**7.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**8.** This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1971*.







# **BILL 123**

## The Provincial Parks Municipal Tax Assistance Act, 1971

*1st Reading*

July 12th, 1971

*2nd Reading*

*3rd Reading*

THE HON. DALTON A. BALES  
Minister of Municipal Affairs

(*Government Bill*)

CAZON  
XB  
-B 56

**BILL 123**

GOVERNMENT  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

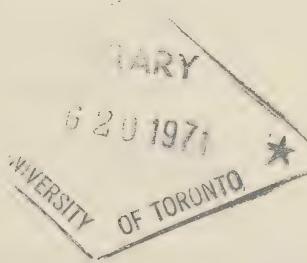
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**The Provincial Parks Municipal Tax Assistance Act, 1971**

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 123****1971**

**The Provincial Parks Municipal  
Tax Assistance Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Municipal Affairs;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "provincial park" means a provincial park or part thereof as determined under section 2.

**2.**—(1) Subject to section 6, the Minister of Lands and Forests shall annually, on or before the 1st day of February, determine and advise the Department of,

Determi-  
nation by  
Minister of  
Lands and  
Forests

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or a part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding subsection 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks  
deemed not  
separated  
from munici-  
cipalities

R.S.O. 1960,  
c. 314

(3) The determination of the Minister of Lands and Forests under subsection 1 is final.

**Payments**      **3.** Commencing with the year 1971, the Department may pay in each year to a municipality in which there is one or more provincial parks,

- (a) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park to a maximum of 10,000 acres; or
- (b) \$100,

whichever is the greater.

**Municipal assessment deemed increased**

**4.** The assessment of a municipality that receives a payment under section 3 that is used for apportioning,

- |                                |  |
|--------------------------------|--|
| 1968-69, c. 6                  | (a) a county rate under section 73 of <i>The Assessment Act, 1968-69</i> ;   |
| R.S.O. 1960, c. 260            | (b) a metropolitan levy under sections 230 and 230b of <i>The Municipality of Metropolitan Toronto Act</i> , except a levy for public or secondary school purposes;  |
| 1968, c. 115                   | (c) a regional levy under section 108 of <i>The Regional Municipality of Ottawa-Carleton Act, 1968</i> , section 126 of <i>The Regional Municipality of Niagara Act, 1968-69</i> , or section 122 of <i>The Regional Municipality of York Act, 1970</i> ; or |
| 1968-69, c. 106<br>1970, c. 50 |  |
| 1970, c. 32                    | (d) a district levy under section 99 of <i>The District Municipality of Muskoka Act, 1970</i> ,  |

shall be deemed to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

**Moneys**

**5.** The moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature.

**Determination for 1971**

**6.** The annual determination required under section 2 shall be made for the purpose of payments in 1971 as soon as is practicable after the coming into force of this Act.

**Commencement**

**7.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**8.** This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1971*.







The Provincial Parks Municipal  
Tax Assistance Act, 1971

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*1st Reading*

July 12th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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CAZUN  
XB  
-B-56

**BILL 124**

Publications  
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Homes for the Aged and Rest Homes Act**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** Survey and evaluation procedures are specified before a home is established.

**SECTION 2.** Complementary to section 1 of the Bill.

**BILL 124****1971**

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Homes for the Aged and Rest Homes Act* is amended R.S.O. 1960  
c. 174,  
amended by adding thereto the following section:

**8a.** Before selecting or acquiring a site or erecting or Evaluation  
and survey acquiring a building for use as a home or joint home, the municipality or band establishing the home or the municipalities or bands establishing a joint home shall,

- (a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the home and the best interests of the prospective residents; and
- (b) conduct a survey of the community and review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

**2.** Subsection 1 of section 9 of *The Homes for the Aged and Rest Homes Act* is repealed and the following substituted R.S.O. 1960  
c. 174, s. 9,  
subs. 1,  
re-enacted therefor:

(1) A building shall not be acquired, erected or altered Site and  
plans, etc.  
to be  
approved for use as a home or joint home until the need for the home or joint home has been established to the satisfaction of the Minister and,

- (a) the site, selected and evaluated in accordance with the regulations; and

- (b) the plans therefor developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

R.S.O. 1960,  
c. 174, s. 19,  
amended

**3.**—(1) Section 19 of *The Homes for the Aged and Rest Homes Act*, as amended by section 5 of *The Homes for the Aged Amendment Act, 1960-61*, section 13 of *The Homes for the Aged and Rest Homes Amendment Act, 1968* and section 5 of *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*, is further amended by renumbering subsection 1 as subsection 1c and by adding thereto the following subsections:

Assessment  
to be  
revised and  
equalized

- (1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district and in making the equalization of assessment there shall be added where applicable to the valuation of each municipality,

1968-69, c. 6

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act; and

R.S.O. 1960,  
c. 249

- (b) the amounts credited to the municipality under section 294b of *The Municipal Act*.

Appeal

- (1a) Any municipality in a district that is not satisfied with the last revised assessment of any municipality in the district as equalized for the purposes of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs as varied by any amounts added in accordance with subsection 1 at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

Idem

- (1b) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

R.S.O. 1960,  
c. 174, s. 19,  
subs. 2,  
repealed

- (2) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The Homes for the Aged Amendment Act, 1960-61*, is repealed.

**SECTION 3.** For the purpose of apportioning the cost of maintaining a home in a district amongst the municipalities in the district, provision is made for equalization of the assessment by the Department of Municipal Affairs and an appeal to the Municipal Board is provided; a similar amendment was made in the 1970 session to *The District Welfare Administration Boards Act*.

SECTION 4. The regulation making authority is enlarged to complement sections 1 and 2 of the Bill.

(3) Subsection 5 of the said section 19, as amended by R.S.O. 1960, c. 174, s. 19, subsection 4 of section 5 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by striking out "subsection 2" in the amendment of 1960-61 and inserting in lieu thereof "subsection 1".

**4.** Subsection 1 of section 26 of *The Homes for the Aged and Rest Homes Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1961-62*, section 7 of *The Homes for the Aged Amendment Act, 1966*, section 14 of *The Homes for the Aged and Rest Homes Amendment Act, 1968* and section 6 of *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

- (ca) prescribing procedures for selecting and evaluating the site for a home or joint home and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 8a;
- (cb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

**5.** This Act comes into force on the day it receives Royal Assent.

**6.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1971*.

**BILL 124**

An Act to amend  
The Homes for the Aged and  
Rest Homes Act

*1st Reading*

July 12th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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(*Government Bill*)

XB  
-B 56

**BILL 124**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Homes for the Aged and Rest Homes Act**

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 124****1971**

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Homes for the Aged and Rest Homes Act* is amended R.S.O. 1960  
c. 174,  
amended by adding thereto the following section:

**8a.** Before selecting or acquiring a site or erecting or Evaluation  
and survey acquiring a building for use as a home or joint home, the municipality or band establishing the home or the municipalities or bands establishing a joint home shall,

- (a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the home and the best interests of the prospective residents; and
- (b) conduct a survey of the community and review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

**2.** Subsection 1 of section 9 of *The Homes for the Aged and Rest Homes Act* is repealed and the following substituted R.S.O. 1960,  
c. 174, s. 9,  
subs. 1,  
re-enacted

- (1) A building shall not be acquired, erected or altered Site and  
plans, etc.,  
to be  
approved for use as a home or joint home until the need for the home or joint home has been established to the satisfaction of the Minister and,

- (a) the site, selected and evaluated in accordance with the regulations; and

- (b) the plans therefor developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

R.S.O. 1960,  
c. 174, s. 19,  
amended

**3.—(1)** Section 19 of *The Homes for the Aged and Rest Homes Act*, as amended by section 5 of *The Homes for the Aged Amendment Act, 1960-61*, section 13 of *The Homes for the Aged and Rest Homes Amendment Act, 1968* and section 5 of *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*, is further amended by renumbering subsection 1 as subsection 1c and by adding thereto the following subsections:

Assessment  
to be  
revised and  
equalized

- (1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district and in making the equalization of assessment there shall be added where applicable to the valuation of each municipality,

1968-69, c. 6

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act; and

R.S.O. 1960,  
c. 249

- (b) the amounts credited to the municipality under section 294b of *The Municipal Act*.

Appeal

- (1a) Any municipality in a district that is not satisfied with the last revised assessment of any municipality in the district as equalized for the purposes of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs as varied by any amounts added in accordance with subsection 1 at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

Idem

- (1b) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

R.S.O. 1960,  
c. 174, s. 19,  
subs. 2,  
repealed

- (2) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The Homes for the Aged Amendment Act, 1960-61*, is repealed.

(3) Subsection 5 of the said section 19, as amended by R.S.O. 1960, c. 174, s. 19, subsection 4 of section 5 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by striking out "subsection 2" <sup>subs. 5,</sup> ~~amended~~ in the amendment of 1960-61 and inserting in lieu thereof "subsection 1".

**4.** Subsection 1 of section 26 of *The Homes for the Aged and Rest Homes Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1961-62*, section 7 of *The Homes for the Aged Amendment Act, 1966*, section 14 of *The Homes for the Aged and Rest Homes Amendment Act, 1968* and section 6 of *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

- (ca) prescribing procedures for selecting and evaluating the site for a home or joint home and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 8a;
- (cb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

**5.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**6.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1971*. <sup>Short title</sup>





**BILL 124**

An Act to amend  
The Homes for the Aged and  
Rest Homes Act

*1<sup>st</sup> Reading*

July 12th, 1971

*2<sup>nd</sup> Reading*

July 20th, 1971

*3<sup>rd</sup> Reading*

July 28th, 1971

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THE HON. THOMAS L. WELLS  
Minister of Social and Family Services

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CAZON

XB

-B 56

**BILL 125**

**Government Bill**

4TH SESSION, 28TH ~~LEGISLATURE~~, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Election Act, 1968-69**

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

*The Election Act, 1968-69* is amended to provide for the following changes:

1. The Part dealing with offences, penalties and enforcement is expanded.
2. A new Part VIII, "Corrupt Practices and Controverted Elections", is added to provide that corrupt practices and the validity of elections shall be determined by the Supreme Court.
3. Provision is made for otherwise qualified students in educational institutions to vote by proxy when absent from their normal residence.
4. Provision is made in the appointment of the poll clerk by the deputy returning officer and for the appointment of an assistant revising officer by the returning officer.
5. Vouching is continued in polling subdivisions declared to be rural by the Chief Election Officer.

**BILL 125****1971**

**An Act to amend  
The Election Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 1,  
cl. d,</sup> re-enacted is repealed and the following substituted therefor:

(*d*) “corrupt practice” means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code (Canada)* <sup>1953-54,  
c. 51, (Can.)</sup> or which is a corrupt practice under this Act.

(2) Paragraph 4 of clause *m* of the said section 1 is repealed. <sup>1968-69,  
c. 33, s. 1,  
cl. m, par. 4,  
repealed</sup>

**2.** *The Election Act, 1968-69* is amended by adding thereto <sup>1968-69,  
c. 33,  
amended</sup> the following section:

**4a.**—(1) Subject to the approval of the Chief Election Officer, every returning officer may appoint an assistant revising officer to assist him with the revision of the list of voters. <sup>Assistant  
revising  
officer</sup>

(2) Every assistant revising officer shall have the like <sup>Oath</sup> qualifications as a returning officer and, upon being appointed, shall take and subscribe the prescribed oath.

**3.** *The Election Act, 1968-69* is amended by adding <sup>1968-69,  
c. 33,  
amended</sup> thereto the following section:

**22a.** Assistant revising officers appointed under section 4a <sup>Powers of  
assistant  
revising  
officers</sup> have the same powers and duties as a returning officer respecting the revision of lists of voters, and all references to the returning officer in sections 23 to 33 shall be deemed to include assistant revising officers.

1968-69,  
c. 33, s. 32,  
re-enacted

**4.** Section 32 of *The Election Act, 1968-69* is repealed and the following substituted therefor:

Statement of  
changes and  
additions to  
candidates

32. A statement of changes and additions shall be prepared and certified and the returning officer shall forthwith send six copies to each candidate or his official agent.

1968-69,  
c. 33, s. 35,  
subs. 1,  
amended

**5.—(1)** Subsection 1 of section 35 of *The Election Act, 1968-69* is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a person absent from his regular residence by reason of attending an educational institution, who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day.

(2) Subsection 2 of the said section 35 is repealed and the following substituted therefor:

Appointment  
of proxy

(2) Any person who is entitled to vote at an election by proxy under this section may appoint in writing a proxy who shall be a qualified voter in the electoral district in which such person is entitled to vote and who, unless such proxy is the child, grandchild, brother, sister, parent, grandparent, husband or wife of such person, has not been appointed a proxy for any other voter qualified to vote at such election.

1968-69,  
c. 33, s. 35,  
subs. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor:

Application  
of proxy to  
be entered on  
list

(4) A person who has been appointed a voting proxy may apply to the returning officer or assistant revising officer to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

Evidence to  
be taken  
by returning  
officer or  
assistant

(5) The returning officer or assistant revising officer on any day up to and including the last day of the revision shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall

give a certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

**6.** Subsection 1 of section 37 of *The Election Act, 1968-69* 1968-69,  
c. 33, s. 37,  
subs. 1,  
re-enacted is repealed and the following substituted therefor:

- (1) No person who has been engaged as a returning officer, an assistant revising officer or an enumerator in the preparation of the lists of voters to be used at an election is eligible as a candidate at the election. Who may  
not be  
candidate

**7.** Subsections 1, 2, 3 and 4 of section 56 of *The Election Act, 1968-69* 1968-69,  
c. 33, s. 56,  
subs. 1, 2,  
re-enacted;  
subs. 3, 4,  
repealed are repealed and the following substituted therefor:

- (1) The returning officer shall appoint in writing a deputy returning officer for every polling place. Appointment  
of D.R.O.
- (2) The deputy returning officer shall appoint in writing a poll clerk to assist him in taking the poll. Appointment  
of poll clerk

**8.** Subsection 3 of section 58 of *The Election Act, 1968-69* 1968-69,  
c. 33, s. 58,  
subs. 3,  
re-enacted is repealed and the following substituted therefor:

- (3) Except where a certificate is requested at least Time of  
request forty-eight hours before polling day, the returning officer may at his discretion refuse such a certificate.

**9.** Subsection 1 of section 78 of *The Election Act, 1968-69* 1968-69,  
c. 33, s. 78,  
subs. 1,  
amended is amended by striking out "territory without municipal organization" in the first line and inserting in lieu thereof "polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) In polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer, any qualified voter whose name has been omitted in error from the polling list may apply to the deputy returning officer for the polling subdivision in which he resides to have his name added to the list, and his name shall be added to the list. Where voter's  
name omitted  
in rural  
polling  
subdivisions

**10.** Part VII of *The Election Act, 1968-69* is repealed and the following substituted therefor: 1968-69,  
c. 33, Part VII  
(ss. 133-141),  
re-enacted

## PART VII

### OFFENCES, PENALTIES AND ENFORCEMENT

Voting  
when not  
qualified,  
etc.

133. Every person who, at an election,

- (a) not being qualified to vote, votes; or
- (b) being qualified to vote, votes more than once;  
or
- (c) votes in an electoral district or polling sub-division other than the one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Improper  
voting by  
proxy

134. Every person who,

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Wilful  
miscount of  
ballots

135. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Neglect of  
duties

136. Every returning officer, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

137. Every person who,

Offences  
relating  
to ballot  
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;
- (g) being authorized by the Chief Election Officer to print the ballots for an election, prints more ballots than he is authorized to print; or
- (h) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

138. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of

<sup>False  
information  
to authorized  
persons</sup>

an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

139. Every official agent or candidate who makes default in delivering the statements required by Part IX to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

<sup>Default in  
delivering  
statement</sup>

- |  |  |
|--|--|
| False statement  | 140. Every official agent or candidate who wilfully furnishes an untrue statement to the returning officer is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.  |
| Offences, aiding corrupt practice; inducing unqualified person to vote; false statement of withdrawal of candidate | <p>141. Every person who,</p> <ul style="list-style-type: none"> <li>(a) induces or procures any person to vote knowing that that person has no right to vote; or</li> <li>(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,</li> </ul> <p>is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.</p>   |
| General offence  | 142. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.   |
| Disqualification of persons guilty of corrupt practice   | 143.—(1) Where a candidate at an election, or his official agent, is convicted of committing a corrupt practice, the candidate is ineligible to stand as a candidate at any election up to and including the next general election, or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council for five years following the date of the official return and, if the corrupt practice is committed by the official agent, he is also liable to such penalties and disabilities. |
| Limitation   | (2) If, when the candidate or his official agent is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate or official agent is not subject to the penalties and disabilities provided by subsection 1.   |
| Report re conduct of election  | 144. The Chief Election Officer, in addition to any other requirements of this Act with respect to the tabling of the results of an election, shall report to the Assembly whether or not in his opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act.  |

## PART VIII

### CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

- 145.—(1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly or whether or not any person is guilty of a corrupt practice shall be tried and determined by an action commenced by issuing a writ in the Supreme Court.
- (2) Where the Supreme Court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under Part VII.
- (3) A candidate at an election or any voter qualified to vote at an election or the Chief Election Officer, if he considers that it is in the public interest that an action be commenced, may commence an action.
- (4) No action shall be commenced after the expiration of ninety days following the date of the official election returns, but this subsection does not apply to the Chief Election Officer who may commence an action under this Part at any time.
- (5) Upon receipt of a writ of summons, the local registrar of the Supreme Court shall send notice thereof by registered mail to the Registrar of the Supreme Court.
- (6) The Registrar shall send a notice by registered mail to the Chief Election Officer of every writ of summons issued under this Part by anyone other than the Chief Election Officer.
- (7) The Chief Election Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates.
- (8) The returning officer, after receipt of a notification under subsection 6, shall forthwith publish a notice thereof in the prescribed form once in a newspaper published in the electoral district or, if there is no newspaper published in the electoral district, then in a newspaper having general circulation in the electoral district.

Practice and procedure

146.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Supreme Court apply to an action commenced under this Part.

Judge without jury

(2) The action shall be tried by a judge without a jury.

Intervention in action by Chief Election Officer

147.—(1) The Chief Election Officer, following receipt of the notice under subsection 6 of section 145, may apply to a judge of the Supreme Court, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason.

Notice of application to be filed and served

(2) Where the Chief Election Officer applies prior to the trial for leave to intervene, he shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties.

Where leave granted

(3) If the judge grants leave to intervene, he shall give directions as to appearance and procedure in respect of the Chief Election Officer including leave to subpoena witnesses to attend at the trial, and thereafter, the Chief Election Officer shall be served with all proceedings in the action.

Security for costs

148.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff, other than the Chief Election Officer, to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the returning officer incurred in the publication of notices in the electoral district in respect of the writ of the action or proceedings therein.

Idem

(2) The security shall be in the amount of \$1,000 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Disclaimer not to affect action  
R.S.O. 1960,  
c. 208

149. A disclaimer by an elected member under *The Legislative Assembly Act* does not affect the right of any person entitled to commence an action under this Part and an action may be commenced in the same manner as if the member elected had not disclaimed.

Abatement of action

150.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

- (2) The abatement of an action does not affect any liability for costs previously incurred.
- (3) On the abatement of an action, notice of the substitution of plaintiff abatement shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be substituted as the sole plaintiff.
151. Where a plaintiff is not qualified to be a plaintiff in an action under this Part, the action shall not on that account be dismissed if within such time as a judge of the Supreme Court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.
- 152.—(1) If, before or during the trial,
- (a) the defendant dies; or
  - (b) the Assembly resolves that the seat is vacant; or
  - (c) the defendant gives notice to the court that he does not intend to oppose, or further oppose the action,
- notice of such event shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district.
- (2) Within twenty days after notice is given in the substituted or further defendant electoral district under subsection 1, any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted.
- (3) If any of the events mentioned in subsection 1 happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district.

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| <p>Where notice of intention not to oppose given</p> <p>Successful candidate guilty of corrupt practice</p> <p>Unseating and seating of another elected candidate</p> <p>Where commission of corrupt practice affected result of election</p> <p>Unseating of disqualified person</p> <p>Where act of election official affected result of election</p> <p>Compensation of candidates where election void</p> <p>Judgment to Legislative Assembly</p> <p>Where election set aside and appeal entered</p> | <p>(4) The defendant who has given the notice under clause <i>c</i> of subsection 1 shall not be allowed to appear or act as a party against the action in any proceeding thereon and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly.</p> <p><b>153.—(1)</b> Where it is determined that the successful candidate, or his official agent is guilty of a corrupt practice, the court may declare his election void.</p> <p>(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person was elected, that he be admitted to take his seat in the Assembly or, if it is determined that no other person is elected, the court may provide for the holding of a new election.</p> <p>(3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and provide for holding a new election.</p> <p>(4) Where it is determined that a person elected has become disqualified or has forfeited his seat, the court may order that he be removed from office and provide for the holding of a new election.</p> <p>(5) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and provide for holding a new election.</p> <p>(6) Where a new election is ordered, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$10,000 per candidate.</p> <p>(7) The Registrar of the Supreme Court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly.</p> <p><b>154.—(1)</b> If the court determines that a member was not duly returned, notwithstanding that an appeal from</p> |
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the decision is pending, he is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly.

- (2) In the cases to which subsection 1 applies, where an appeal is entered, the Registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court.
155. A writ for a new election shall not be issued until after the expiration of the time limited for appeal from the determination of the Supreme Court that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal.
- 156.—(1) An appeal lies from the judgment of the Supreme Court to the Court of Appeal.
- (2) The Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the trial judge, and to the Chief Election Officer, notice in writing that the case has been so set down, and the appeal shall be heard by the Court of Appeal as speedily as practicable.
- (3) The Court of Appeal may give any judgment that ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal.
- (4) An appeal lies from the decision of the trial judge to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section.
157. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may issue a commission to inquire into whether corrupt practices extensively

R.S.O. 1960,  
c. 323

prevailed at the election and the Commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

1968-69, c. 33,  
Part VIII  
(ss. 142-150),  
renumbered

**11.** Part VIII of *The Election Act, 1968-69* is renumbered as Part IX and sections 142 to 150 are renumbered as sections 158 to 166 respectively.

R.S.O. 1960,  
cc. 65, 292,  
repealed

**12.** *The Controverted Elections Act* and *The Personation Act* are repealed.

Commencement

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The Election Amendment Act, 1971*.



# **BILL 125**

An Act to amend  
The Election Act, 1968-69

*1st Reading*

July 13th, 1971

*2nd Reading*

*3rd Reading*

THE HON. EDWARD DUNLOP  
Minister without Portfolio

(*Government Bill*)

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~~5~~ BILL 125

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

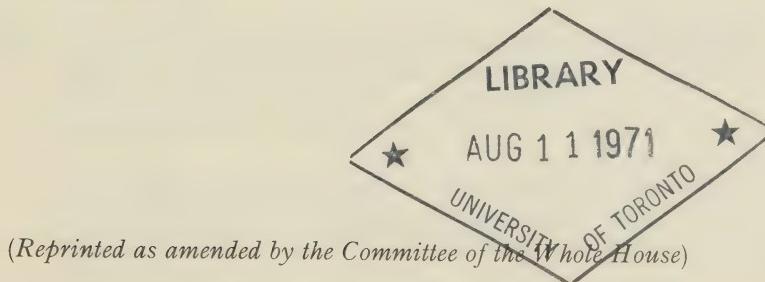
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**An Act to amend The Election Act, 1968-69**

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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TORONTO

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#### EXPLANATORY NOTES

*The Election Act, 1968-69* is amended to provide for the following changes:

1. The Part dealing with offences, penalties and enforcement is expanded.
2. A new Part VIII, "Corrupt Practices and Controverted Elections", is added to provide that corrupt practices and the validity of elections shall be determined by the Supreme Court.
3. Provision is made for otherwise qualified students in educational institutions to vote by proxy when absent from their normal residence.
4. Vouching is continued in polling subdivisions declared to be rural by the Chief Election Officer.

**BILL 125****1971**

**An Act to amend  
The Election Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Election Act, 1968-69*<sup>1968-69,  
c. 33, s. 1,  
cl. d,  
re-enacted</sup> is repealed and the following substituted therefor:

(*d*) “corrupt practice” means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code (Canada)*<sup>1953-54,  
c. 51, (Can.)</sup> or which is a corrupt practice under this Act.

(2) Paragraph 4 of clause *m* of the said section 1 is repealed.<sup>1968-69,  
c. 33, s. 1,  
cl. m, par. 4,  
repealed</sup>

**2.** *The Election Act, 1968-69* is amended by adding thereto<sup>1968-69,  
c. 33,  
amended</sup> the following section:

**4a.**—(1) Subject to the approval of the Chief Election Officer, every returning officer may appoint an assistant revising officer to assist him with the revision of the list of voters.<sup>Assistant  
revising  
officer</sup>

(2) Every assistant revising officer shall have the like *oath* qualifications as a returning officer and, upon being appointed, shall take and subscribe the prescribed oath.

**3.** *The Election Act, 1968-69* is amended by adding<sup>1968-69,  
c. 33,  
amended</sup> thereto the following section:

**22a.** Assistant revising officers appointed under section 4a have the same powers and duties as a returning officer respecting the revision of lists of voters, and all references to the returning officer in sections 23 to 33 shall be deemed to include assistant revising officers.<sup>Powers of  
assistant  
revising  
officers</sup>

1968-69,  
c. 33, s. 32,  
re-enacted

**4.** Section 32 of *The Election Act, 1968-69* is repealed and the following substituted therefor:

Statement of  
changes and  
additions to  
candidates

32. A statement of changes and additions shall be prepared and certified and the returning officer shall forthwith send six copies to each candidate or his official agent.

1968-69,  
c. 33, s. 35,  
subs. 1,  
amended

**5.—(1)** Subsection 1 of section 35 of *The Election Act, 1968-69* is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a person absent from his regular residence by reason of attending an educational institution, who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day.

1968-69,  
c. 33, s. 35,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 35 is repealed and the following substituted therefor:

Appointment  
of proxy

(2) Any person who is entitled to vote at an election by proxy under this section may appoint in writing a proxy who shall be a qualified voter in the electoral district in which such person is entitled to vote and who, unless such proxy is the child, grandchild, brother, sister, parent, grandparent, husband or wife of such person, has not been appointed a proxy for any other voter qualified to vote at such election.

1968-69,  
c. 33, s. 35,  
subss. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor:

Application  
of proxy to  
be entered on  
list

(4) A person who has been appointed a voting proxy may apply to the returning officer or assistant revising officer to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

Evidence to  
be taken  
by returning  
officer or  
assistant

(5) The returning officer or assistant revising officer on any day up to and including the last day of the revision shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered

and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

**6.** Subsection 1 of section 37 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 37,  
subs. 1,  
re-enacted</sup> is repealed and the following substituted therefor:

- (1) No person who has been engaged as a returning officer, an assistant revising officer or an enumerator in the preparation of the lists of voters to be used at an election is eligible as a candidate at the election. <sup>Who may  
not be  
candidate</sup>

**7.** Subsection 3 of section 58 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 58,  
subs. 3,  
re-enacted</sup> is repealed and the following substituted therefor:

- (3) Except where a certificate is requested at least <sup>Time of  
request</sup> forty-eight hours before polling day, the returning officer may at his discretion refuse such a certificate.

**8.** Subsection 1 of section 78 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 78,  
subs. 1,  
amended</sup> is amended by striking out "territory without municipal organization" in the first line and inserting in lieu thereof "polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) In polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer, any qualified voter whose name has been omitted in error from the polling list may apply to the deputy returning officer for the polling subdivision in which he resides to have his name added to the list, and his name shall be added to the list, <sup>Where voter's  
name omitted  
in rural  
polling  
subdivisions</sup>

**9.** Part VII of *The Election Act, 1968-69* is repealed and <sup>1968-69,  
c. 33, Part VII  
(ss. 133-141),  
re-enacted</sup> the following substituted therefor:

## PART VII

## OFFENCES, PENALTIES AND ENFORCEMENT

Voting  
when not  
qualified,  
etc.

133. Every person who, at an election,
- (a) not being qualified to vote, votes; or
  - (b) being qualified to vote, votes more than once; or
  - (c) votes in an electoral district or polling sub-division other than the one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Improper  
voting by  
proxy

134. Every person who,
- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
  - (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Wilful  
miscount of  
ballots

135. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Neglect of  
duties

136. Every returning officer, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

137. Every person who,

Offences  
relating  
to ballot  
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;
- (g) being authorized by the Chief Election Officer to print the ballots for an election, prints more ballots than he is authorized to print; or
- (h) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

138. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False  
information  
to authorized  
persons

139. Every official agent or candidate who makes default in delivering the statements required by Part IX to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Default in  
delivering  
statement

False statement

140. Every official agent or candidate who wilfully furnishes an untrue statement to the returning officer is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences, aiding corrupt practice; inducing unqualified person to vote; false statement of withdrawal of candidate

141. Every person who,

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

General offence

142. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Disqualification of persons guilty of corrupt practice

- 143.—(1) Where a candidate at an election, or his official agent, is convicted of committing a corrupt practice, the candidate is ineligible to stand as a candidate at any election up to and including the next general election, or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council for five years following the date of the official return and, if the corrupt practice is committed by the official agent, he is also liable to such penalties and disabilities.

Limitation

- (2) If, when the candidate or his official agent is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate or official agent is not subject to the penalties and disabilities provided by subsection 1.

Report re conduct of election

144. The Chief Election Officer, in addition to any other requirements of this Act with respect to the tabling of the results of an election, shall report to the Assembly whether or not in his opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act.

## PART VIII

### CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

- 145.—(1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly or whether or not any person is guilty of a corrupt practice shall be tried and determined by an action commenced by issuing a writ in the Supreme Court.
- (2) Where the Supreme Court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under Part VII.
- (3) A candidate at an election or any voter qualified to vote at an election or the Chief Election Officer, if he considers that it is in the public interest that an action be commenced, may commence an action.
- (4) No action shall be commenced after the expiration of ninety days following the date of the official election returns, but this subsection does not apply to the Chief Election Officer who may commence an action under this Part at any time.
- (5) Upon receipt of a writ of summons, the local registrar of the Supreme Court shall send notice thereof by registered mail to the Registrar of the Supreme Court.
- (6) The Registrar shall send a notice by registered mail to the Chief Election Officer of every writ of summons issued under this Part by anyone other than the Chief Election Officer.
- (7) The Chief Election Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates.
- (8) The returning officer, after receipt of a notification under subsection 6, shall forthwith publish a notice thereof in the prescribed form once in a newspaper published in the electoral district or, if there is no newspaper published in the electoral district, then in a newspaper having general circulation in the electoral district.

Practice and procedure

146.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Supreme Court apply to an action commenced under this Part.

Judge without jury

Intervention in action by Chief Election Officer

Notice of application to be filed and served

Where leave granted

Security for costs

Idem

Disclaimer not to affect action  
R.S.O. 1960, c. 208

Abatement of action

(2) The action shall be tried by a judge without a jury.

147.—(1) The Chief Election Officer, following receipt of the notice under subsection 6 of section 145, may apply to a judge of the Supreme Court, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason.

(2) Where the Chief Election Officer applies prior to the trial for leave to intervene, he shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties.

(3) If the judge grants leave to intervene, he shall give directions as to appearance and procedure in respect of the Chief Election Officer including leave to subpoena witnesses to attend at the trial, and thereafter, the Chief Election Officer shall be served with all proceedings in the action.

148.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff, other than the Chief Election Officer, to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the returning officer incurred in the publication of notices in the electoral district in respect of the writ of the action or proceedings therein.

(2) The security shall be in the amount of \$1,000 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

149. A disclaimer by an elected member under *The Legislative Assembly Act* does not affect the right of any person entitled to commence an action under this Part and an action may be commenced in the same manner as if the member elected had not disclaimed.

150.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

- (2) The abatement of an action does not affect any liability for costs previously incurred.
- (3) On the abatement of an action, notice of the abatement shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be substituted as the sole plaintiff.
151. Where a plaintiff is not qualified to be a plaintiff in an action under this Part, the action shall not on that account be dismissed if within such time as a judge of the Supreme Court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

- 152.—(1) If, before or during the trial,
- Death of defendant,  
etc., at or  
before trial
- (a) the defendant dies ; or
  - (b) the Assembly resolves that the seat is vacant ; or
  - (c) the defendant gives notice to the court that he does not intend to oppose, or further oppose the action,

notice of such event shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district.

- (2) Within twenty days after notice is given in the electoral district under subsection 1, any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted.
- (3) If any of the events mentioned in subsection 1 happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district.

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| <p>Where notice of intention not to oppose given</p> <p>Successful candidate guilty of corrupt practice</p> <p>Unseating and seating of another elected candidate</p> <p>Where commission of corrupt practice affected result of election</p> <p>Unseating of disqualified person</p> <p>Where act of election official affected result of election</p> <p>Compensation of candidates where election void</p> <p>Judgment to Legislative Assembly</p> <p>Where election set aside and appeal entered</p> | <p>(4) The defendant who has given the notice under clause c of subsection 1 shall not be allowed to appear or act as a party against the action in any proceeding thereon and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly.</p> <p>153.—(1) Where it is determined that the successful candidate, or his official agent is guilty of a corrupt practice, the court may declare his election void.</p> <p>(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person was elected, that he be admitted to take his seat in the Assembly or, if it is determined that no other person is elected, the court may provide for the holding of a new election.</p> <p>(3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and provide for holding a new election.</p> <p>(4) Where it is determined that a person elected has become disqualified or has forfeited his seat, the court may order that he be removed from office and provide for the holding of a new election.</p> <p>(5) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and provide for holding a new election.</p> <p>(6) Where a new election is ordered, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$10,000 per candidate.</p> <p>(7) The Registrar of the Supreme Court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly.</p> <p>154.—(1) If the court determines that a member was not duly returned, notwithstanding that an appeal from</p> |
|--|--|

the decision is pending, he is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly.

- (2) In the cases to which subsection 1 applies, where an <sup>Notice of appeal to Clerk</sup> appeal is entered, the Registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court.
155. A writ for a new election shall not be issued until <sup>Time for issue of writ for new election</sup> after the expiration of the time limited for appeal from the determination of the Supreme Court that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal.
- 156.—(1) An appeal lies from the judgment of the Supreme Court to the Court of Appeal. <sup>Appeal to Court of Appeal</sup>
- (2) The Registrar shall set the appeal down for hearing <sup>Setting down for hearing, etc.</sup> at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the trial judge, and to the Chief Election Officer, notice in writing that the case has been so set down, and the appeal shall be heard by the Court of Appeal as speedily as practicable.
- (3) The Court of Appeal may give any judgment that <sup>Judgment or new trial</sup> ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal.
- (4) An appeal lies from the decision of the trial judge <sup>Appeal from decision on new trial</sup> to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section.
157. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may issue a commission <sup>Inquiry as to extensive corrupt practices</sup> to inquire into whether corrupt practices extensively

R.S.O. 1960,  
c. 323

prevailed at the election and the Commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

1968-69, c. 33,  
Part VIII  
(ss. 142-150),  
renumbered

**10.** Part VIII of *The Election Act, 1968-69* is renumbered as Part IX and sections 142 to 150 are renumbered as sections 158 to 166 respectively.

R.S.O. 1960,  
cc. 65, 292,  
repealed

**11.** *The Controverted Elections Act* and *The Personation Act* are repealed.

Commencement

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Election Amendment Act, 1971*.



**BILL 125**

An Act to amend  
The Election Act, 1968-69

*1st Reading*

July 13th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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(Reprinted as amended by the  
Committee of the Whole House)

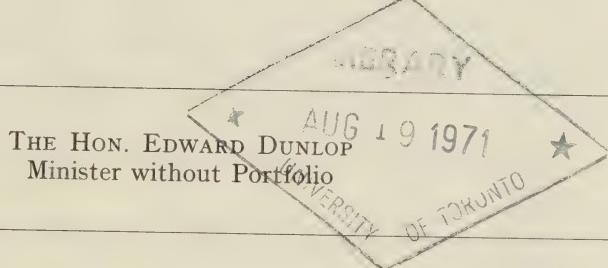
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BILL 125

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

An Act to amend The Election Act, 1968-69



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 125

1971

**An Act to amend  
The Election Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 1,</sup> is repealed and the following substituted therefor: <sup>cl. *d*,  
re-enacted</sup>

(*d*) “corrupt practice” means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code (Canada)* <sup>1953-54,  
c. 51, (Can.)</sup> or which is a corrupt practice under this Act.

(2) Paragraph 4 of clause *m* of the said section 1 is repealed. <sup>1968-69,  
c. 33, s. 1,  
cl. *m*, par. 4,  
repealed</sup>

**2.** *The Election Act, 1968-69* is amended by adding thereto <sup>1968-69,  
c. 33,  
amended</sup> the following section:

**4a.**—(1) Subject to the approval of the Chief Election Officer, every returning officer may appoint an assistant revising officer to assist him with the revision of the list of voters. <sup>Assistant  
revising  
officer</sup>

(2) Every assistant revising officer shall have the like qualifications as a returning officer and, upon being appointed, shall take and subscribe the prescribed oath. <sup>Oath</sup>

**3.** *The Election Act, 1968-69* is amended by adding <sup>1968-69,  
c. 33,  
amended</sup> thereto the following section:

**22a.** Assistant revising officers appointed under section 4a have the same powers and duties as a returning officer respecting the revision of lists of voters, and all references to the returning officer in sections 23 to 33 shall be deemed to include assistant revising officers. <sup>Powers of  
assistant  
revising  
officers</sup>

1968-69,  
c. 33, s. 32,  
re-enacted

**4.** Section 32 of *The Election Act, 1968-69* is repealed and the following substituted therefor:

Statement of  
changes and  
additions to  
candidates

32. A statement of changes and additions shall be prepared and certified and the returning officer shall forthwith send six copies to each candidate or his official agent.

1968-69,  
c. 33, s. 35,  
subs. 1,  
amended

**5.**—(1) Subsection 1 of section 35 of *The Election Act, 1968-69* is amended by adding “or” at the end of clause c and by adding thereto the following clause:

(d) a person absent from his regular residence by reason of attending an educational institution, who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day.

1968-69,  
c. 33, s. 35,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 35 is repealed and the following substituted therefor:

Appointment  
of proxy

(2) Any person who is entitled to vote at an election by proxy under this section may appoint in writing a proxy who shall be a qualified voter in the electoral district in which such person is entitled to vote and who, unless such proxy is the child, grandchild, brother, sister, parent, grandparent, husband or wife of such person, has not been appointed a proxy for any other voter qualified to vote at such election.

1968-69,  
c. 33, s. 35,  
subs. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor:

Application  
of proxy to  
be entered on  
list

(4) A person who has been appointed a voting proxy may apply to the returning officer or assistant revising officer to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

Evidence to  
be taken  
by returning  
officer or  
assistant

(5) The returning officer or assistant revising officer on any day up to and including the last day of the revision shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered

and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

**6.** Subsection 1 of section 37 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 37,</sup> subs. 1,  
is repealed and the following substituted therefor: re-enacted

- (1) No person who has been engaged as a returning officer, an assistant revising officer or an enumerator in the preparation of the lists of voters to be used at an election is eligible as a candidate at the election.

**7.** Subsection 3 of section 58 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 58,</sup> subs. 3,  
is repealed and the following substituted therefor: re-enacted

- (3) Except where a certificate is requested at least forty-eight hours before polling day, the returning officer may at his discretion refuse such a certificate.

**8.** Subsection 1 of section 78 of *The Election Act, 1968-69* <sup>1968-69,  
c. 33, s. 78,</sup> subs. 1,  
is amended by striking out "territory without municipal organization" in the first line and inserting in lieu thereof "polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) In polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer, any qualified voter whose name has been omitted in error from the polling list may apply to the deputy returning officer for the polling subdivision in which he resides to have his name added to the list, and his name shall be added to the list,

**9.** Part VII of *The Election Act, 1968-69* is repealed and the following substituted therefor: <sup>1968-69,  
c. 33, Part VII  
(ss. 133-141),</sup> re-enacted

## PART VII

### OFFENCES, PENALTIES AND ENFORCEMENT

Voting  
when not  
qualified,  
etc.

133. Every person who, at an election,
- (a) not being qualified to vote, votes; or
  - (b) being qualified to vote, votes more than once; or
  - (c) votes in an electoral district or polling subdivision other than the one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Improper  
voting by  
proxy

134. Every person who,
- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
  - (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Wilful  
miscount of  
ballots

135. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Neglect of  
duties

136. Every returning officer, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

137. Every person who,

Offences  
relating  
to ballot  
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;
- (g) being authorized by the Chief Election Officer to print the ballots for an election, prints more ballots than he is authorized to print; or
- (h) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

138. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False  
information  
to authorized  
persons

139. Every official agent or candidate who makes default in delivering the statements required by Part IX to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Default in  
delivering  
statements

- False statement**
140. Every official agent or candidate who wilfully furnishes an untrue statement to the returning officer is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.
- Offences, aiding corrupt practice; inducing unqualified person to vote; false statement of withdrawal of candidate**
141. Every person who,
- (a) induces or procures any person to vote knowing that that person has no right to vote; or
  - (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,
- is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.
- General offence**
142. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- Disqualification of persons guilty of corrupt practice**
- 143.—(1) Where a candidate at an election, or his official agent, is convicted of committing a corrupt practice, the candidate is ineligible to stand as a candidate at any election up to and including the next general election, or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council for five years following the date of the official return and, if the corrupt practice is committed by the official agent, he is also liable to such penalties and disabilities.
- (2) If, when the candidate or his official agent is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate or official agent is not subject to the penalties and disabilities provided by subsection 1.
- Limitation**
144. The Chief Election Officer, in addition to any other requirements of this Act with respect to the tabling of the results of an election, shall report to the Assembly whether or not in his opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act.

## PART VIII

### CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

- 145.—(1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly or whether or not any person is guilty of a corrupt practice shall be tried and determined by an action commenced by issuing a writ in the Supreme Court.
- (2) Where the Supreme Court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under Part VII.
- (3) A candidate at an election or any voter qualified to vote at an election or the Chief Election Officer, if he considers that it is in the public interest that an action be commenced, may commence an action.
- (4) No action shall be commenced after the expiration of ninety days following the date of the official election returns, but this subsection does not apply to the Chief Election Officer who may commence an action under this Part at any time.
- (5) Upon receipt of a writ of summons, the local registrar of the Supreme Court shall send notice thereof by registered mail to the Registrar of the Supreme Court.
- (6) The Registrar shall send a notice by registered mail to the Chief Election Officer of every writ of summons issued under this Part by anyone other than the Chief Election Officer.
- (7) The Chief Election Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates.
- (8) The returning officer, after receipt of a notification under subsection 6, shall forthwith publish a notice thereof in the prescribed form once in a newspaper published in the electoral district or, if there is no newspaper published in the electoral district, then in a newspaper having general circulation in the electoral district.

Practice and procedure

146.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Supreme Court apply to an action commenced under this Part.

Judge without jury

(2) The action shall be tried by a judge without a jury.

Intervention in action by Chief Election Officer

147.—(1) The Chief Election Officer, following receipt of the notice under subsection 6 of section 145, may apply to a judge of the Supreme Court, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason.

Notice of application to be filed and served

(2) Where the Chief Election Officer applies prior to the trial for leave to intervene, he shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties.

Where leave granted

(3) If the judge grants leave to intervene, he shall give directions as to appearance and procedure in respect of the Chief Election Officer including leave to subpoena witnesses to attend at the trial, and thereafter, the Chief Election Officer shall be served with all proceedings in the action.

Security for costs

148.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff, other than the Chief Election Officer, to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the returning officer incurred in the publication of notices in the electoral district in respect of the writ of the action or proceedings therein.

Idem

(2) The security shall be in the amount of \$1,000 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Disclaimer not to affect action  
R.S.O. 1960,  
c. 208

149. A disclaimer by an elected member under *The Legislative Assembly Act* does not affect the right of any person entitled to commence an action under this Part and an action may be commenced in the same manner as if the member elected had not disclaimed.

Abatement of action

150.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

- (2) The abatement of an action does not affect any liability for costs previously incurred.
- (3) On the abatement of an action, notice of the substitution of plaintiff shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be substituted as the sole plaintiff.
151. Where a plaintiff is not qualified to be a plaintiff in an action under this Part, the action shall not on that account be dismissed if within such time as a judge of the Supreme Court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

152.—(1) If, before or during the trial,

Death of defendant,  
etc., at or  
before trial

- (a) the defendant dies; or
- (b) the Assembly resolves that the seat is vacant;  
or
- (c) the defendant gives notice to the court that he does not intend to oppose, or further oppose the action,

notice of such event shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district.

- (2) Within twenty days after notice is given in the electoral district under subsection 1, any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted.
- (3) If any of the events mentioned in subsection 1 happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district.

Where notice  
of intention  
not to oppose  
given

- (4) The defendant who has given the notice under clause *c* of subsection 1 shall not be allowed to appear or act as a party against the action in any proceeding thereon and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly.

Successful  
candidate  
guilty of  
corrupt  
practice

- 153.—(1)** Where it is determined that the successful candidate, or his official agent is guilty of a corrupt practice, the court may declare his election void.

Unseating  
and seating  
of another  
elected  
candidate

- (2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person was elected, that he be admitted to take his seat in the Assembly or, if it is determined that no other person is elected, the court may provide for the holding of a new election.

Where  
commission  
of corrupt  
practice  
affected  
result of  
election

- (3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and provide for holding a new election.

Unseating of  
disqualified  
person

- (4) Where it is determined that a person elected has become disqualified or has forfeited his seat, the court may order that he be removed from office and provide for the holding of a new election.

Where act  
of election  
official  
affected  
result of  
election

- (5) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and provide for holding a new election.

Compensa-  
tion of  
candidates  
where  
election void

- (6) Where a new election is ordered, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$10,000 per candidate.

Judgment to  
Legislative  
Assembly

- (7) The Registrar of the Supreme Court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly.

Where  
election set  
aside and  
appeal  
entered

- 154.—(1)** If the court determines that a member was not duly returned, notwithstanding that an appeal from

the decision is pending, he is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly.

- (2) In the cases to which subsection 1 applies, where an appeal is entered, the Registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court.
155. A writ for a new election shall not be issued until after the expiration of the time limited for appeal from the determination of the Supreme Court that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal.
- 156.—(1) An appeal lies from the judgment of the Supreme Court to the Court of Appeal.
- (2) The Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the trial judge, and to the Chief Election Officer, notice in writing that the case has been so set down, and the appeal shall be heard by the Court of Appeal as speedily as practicable.
- (3) The Court of Appeal may give any judgment that ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal.
- (4) An appeal lies from the decision of the trial judge to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section.
157. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may issue a commission to inquire into whether corrupt practices extensively

R.S.O. 1960,  
c. 323

prevailed at the election and the Commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

1968-69, c. 33,  
Part VIII  
(ss. 142-150),  
renumbered

**10.** Part VIII of *The Election Act, 1968-69* is renumbered as Part IX and sections 142 to 150 are renumbered as sections 158 to 166 respectively.

R.S.O. 1960,  
cc. 65, 292,  
repealed

**11.** *The Controverted Elections Act* and *The Personation Act* are repealed.

Commencement

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Election Amendment Act, 1971*.



An Act to amend  
The Election Act, 1968-69

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*1st Reading*

July 13th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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**BILL 126**

*Governme.  
Publicatio.*  
**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Legislative Assembly Act**

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

Section 28 is revised to provide a new procedure for the issuing of a writ to fill a vacancy occurring in the Assembly.

BILL 126

1971

**An Act to amend  
The Legislative Assembly Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 28 of *The Legislative Assembly Act* is repealed R.S.O. 1960,  
c. 208, s. 28,  
re-enacted and the following substituted therefor:

28.—(1) Subject to section 25, where a vacancy occurs Where  
vacancy  
exists in  
Assembly in the membership of the Assembly, a writ shall be issued within six months after receipt by the Chief Election Officer of the warrant for the issue of a writ for the election of a member to fill such vacancy.

(2) This section does not apply where the vacancy occurs Non-  
application  
of section in the last year of the legal life of the Assembly.

(3) If the Legislature is dissolved after the issue of a writ Writ revoked  
on  
dissolution  
of  
Legislature under subsection 1 and before an election is held under on  
dissolution  
of  
Legislature the writ, the writ is revoked on the dissolution of the Legislature.

**2.** This Act comes into force on the day it receives Commencement Royal Assent.

**3.** This Act may be cited as *The Legislative Assembly Amendment Act, 1971*. Short title

BILL NO.

An Act to amend  
The Legislative Assembly Act

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*1st Reading*

July 13th, 1971

*2nd Reading*

*3rd Reading*

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THE HON EDWARD DUNLOP  
Minister without Portfolio

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*(Government Bill)*

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-B 56

Governor-in-Chief  
Publications

## BILL 126

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

### An Act to amend The Legislative Assembly Act

THE HON. EDWARD DUNLOP  
Minister without Portfolio



TORONTO

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**BILL 126****1971**

**An Act to amend  
The Legislative Assembly Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 28 of *The Legislative Assembly Act* is repealed R.S.O. 1960,  
c. 208, s. 28,  
re-enacted and the following substituted therefor:

- 28.—(1) Subject to section 25, where a vacancy occurs Where  
vacancy  
exists in  
Assembly in the membership of the Assembly, a writ shall be issued within six months after receipt by the Chief Election Officer of the warrant for the issue of a writ for the election of a member to fill such vacancy.
- (2) This section does not apply where the vacancy occurs Non-  
application  
of section in the last year of the legal life of the Assembly.
- (3) If the Legislature is dissolved after the issue of a writ Writ revoked  
on  
dissolution  
of  
Legislature under subsection 1 and before an election is held under on  
dissolution  
of  
Legislature the writ, the writ is revoked on the dissolution of the Legislature.

**2.** This Act comes into force on the day it receives Commencement  
Royal Assent.

**3.** This Act may be cited as *The Legislative Assembly Amendment Act, 1971.* Short title

An Act to amend  
The Legislative Assembly Act

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*1st Reading*

July 13th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. EDWARD DUNLOP  
Minister without Portfolio

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**BILL 127**

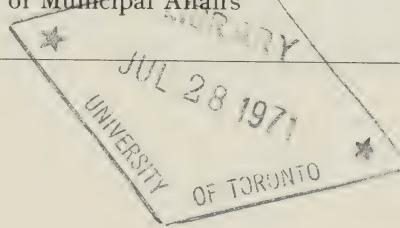
**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Assessment Act, 1968-69**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



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TORONTO

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#### **EXPLANATORY NOTES**

**SECTION 1.** The definition of locality is amended to except section 38 in which the word is used in a different context.

**SECTION 2.** Paragraph 19 is revised to change the basis of tax exemption from "buildings used mainly for obtaining minerals from the ground" to "the proportionate part of the buildings used for obtaining minerals from the ground". The change will provide a more equitable basis for the exemption.

**SECTION 3.** Subsection 7 is extended to apply to orchards, and "orchards" is defined for such purpose.

**BILL 127****1971****An Act to amend The Assessment Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *m* of section 1 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6.  
s. 1, cl. *m.*  
re-enacted

(*m*) "locality", except in section 38, means a public school section, a separate school zone or a secondary school district that comprises or includes territory without municipal organization and includes the board of any of them.

**2.** Paragraph 19 of section 3 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6.  
s. 3, par. 19.  
re-enacted

19. The buildings, plant and machinery in, on or under mineral land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and the minerals in, on or under such land other than diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes or non-auriferous sand or gravel, but not including a concentrator or smelter of ore or metals. Mineral land  
and minerals

**3.—(1)** Subsection 7 of section 27 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69,  
c. 6, s. 27,  
subs. 7,  
re-enacted

(7) Land used as woodlands or orchards shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees. Woodlands  
or orchards

(2) The said section 27 is amended by adding thereto the following subsection: 1968-69,  
c. 6, s. 27,  
amended

- Interpre-  
tation,  
orchards**
- (9) In subsection 7, "orchards" means lands having an area of at least one-half acre on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least twenty-six fruit trees per acre, of one or more of the following kinds: apple, cherry, grape vine, peach, apricot, pear, plum, and such other fruit-producing trees, shrubs or vines as may be designated by order in council.
- 1968-69,  
c. 6 s. 28,  
subs. 1,  
re-enacted**
- 4.** Subsection 1 of section 28 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:
- Profits  
from mines**
- (1) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.
- 1968-69, c. 6,  
s. 33, subs. 5,  
re-enacted**
- 5.** Subsection 5 of section 33 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:
- Adjustment  
of assess-  
ment**
- (5) Subject to subsection 5a, the Department shall in each year in each municipality adjust the assessment of pipe lines determined under subsection 4 so that such assessment shall be on the same basis as the assessment made of other lands in the municipality in the year the table of rates applicable to such pipe lines comes into effect.
- Idem**
- (5a) In any year in which lands generally in a municipality are assessed differently from the preceding year, the Department shall adjust the assessment of pipe lines in such municipality determined under subsection 4 so that such assessment shall be on the same basis as the assessment of other lands in the municipality made in that year.
- 1968-69, c. 6,  
s. 39,  
repealed**
- 6.** Section 39 of *The Assessment Act, 1968-69* is repealed.
- 1968-69, c. 6,  
s. 42,  
amended**
- 7.** Section 42 of *The Assessment Act, 1968-69* is amended by adding thereto the following subsection:
- "Omitted"  
defined**
- (4) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

**SECTION 4.** Subsection 1 at present permits school boards in unorganized territory to tax mine profits, but school boards in organized territory do not have such authority. The amendment deletes school boards in unorganized territory from subsection 1.

**SECTION 5.** Under the present system the rates are determined each three years and presumably are at 100 per cent of value. The use of the latest equalization factor may result in inequity because the factor may be a different proportion in any year from the year in which the rates were established. The section is therefore revised to adjust the pipe line assessment on the same basis as the other assessment in the municipality.

**SECTION 6.** This section, which provides for the quinquennial railway assessment, is no longer consistent with the program of re-assessment now in progress.

**SECTION 7.** The purpose of this subsection is to prevent a person escaping taxation by a technical procedural defect such as a misdescription of the property. The rights of the owners are protected by the provisions of subsection 3 regarding notice and appeals.

**SECTION 8.** Subsection 1. The purpose of this amendment is to make a building assessable from the time it or a part of it becomes occupied. Under the present section, it would appear that the whole of the building must be occupied or reasonably fit for occupancy before it can be entered on the roll.

Subsection 2. Subsection 2 is amended as complementary to the changes in subsection 1 so that the real property becomes liable to taxation from the date of occupancy.

The amendment to subsection 3 is similar to that made in subsection 2 and makes the business assessment payable from the time the premises are used or occupied for business purposes.

**SECTION 9.** Subsections 2, 3 and 4 are revised to permit the assessment of different municipalities within an assessment region to be taken at different times. At present, the legislation only provides for taking assessments in different areas within a municipality at different times and the early return of those rolls.

**8.**—(1) Clause *a* of subsection 1 of section 43 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

(a) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building or portion of a building as determined by section 27 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied.

(2) Subsections 2 and 3 of the said section 43 are repealed and the following substituted therefor:

(2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes

that would have been levied for the current year if the assessment had been made in the usual way, and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the liability to taxation commences under subsection 1 bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

(3) Where the amount of a business assessment is entered in the collector's roll under clause *c* of subsection 1, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for any business purpose mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly.

**9.**—(1) Subsections 2 and 3 of section 46 of *The Assessment Act, 1968-69*, as re-enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1970*, are repealed and the following substituted therefor:

(2) In any year the assessment may be taken in different municipalities, or in different areas within a municipality, at different times as determined by the assessment commissioner, and, when the assessment is taken in different areas at different times, separate assessment rolls shall be prepared for such areas and the rolls of such municipalities and areas may be returned at the times determined by the assessment commissioner but in no case later than the 1st day of October.

Publication  
of notice

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,
- (a) when the assessment of the whole municipality is to be taken at a different time, the time within which the assessment will be taken and the time for the return of the assessment roll;
  - (b) when the assessment is to be taken in different areas within a municipality at different times,
    - (i) that the assessment in the municipality will be taken in different areas at different times,
    - (ii) the different areas to be assessed, and
    - (iii) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

1968-69, c. 6,  
s. 46, subs. 4  
(1970, c. 57,  
s. 6, subs. 3),  
re-enacted

(2) Subsection 4 of the said section 46, as re-enacted by subsection 3 of section 6 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Extension  
of time for  
return of  
roll

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality by the 1st day of October or at the time determined by the assessment commissioner under subsection 2, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

1968-69, c. 6,  
s. 52,  
subs. 1-4,  
re-enacted

**10.** Subsections 1, 2, 3 and 4 of section 52 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor:

SECTION 10. The purpose of these amendments is,

1. To require the notice of complaint to be given to the regional registrar of the Assessment Review Court instead of to the assessment commissioner.
2. Where the assessment of some other person is complained of, to require that notice be given by registered mail to such other person.



- (1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been undercharged or overcharged by the assessor in the roll, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection 4.
- (2) Any person including a municipality or a school board may, within the time limited by subsection 3, give notice in writing,
- (a) to the regional registrar of the Assessment Review Court; and
  - (b) to any other person whose assessment is complained of,

complaining that any other person has been assessed too low or too high or has been wrongly inserted or omitted from the roll and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection 4, and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

- (3) A notice of complaint,
- (a) to the regional registrar under subsection 1 or 2, shall be mailed to him by ordinary mail; and
  - (b) to any other person whose assessment is complained of, shall be mailed to him by registered mail,

within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll in case the roll is not returned within the time fixed for that purpose, and the regional registrar shall immediately transmit a copy of all notices received by him to the assessment commissioner.

- (4) The regional registrar shall give to the assessment commissioner and the clerk of the municipality and to all persons complaining and all persons whose

assessment is complained of notice of any hearing by the Assessment Review Court at least fourteen days before the date fixed for the hearing in the following form:

Take notice that the Assessment Review Court will sit

at.....on the.....day of.....

in the matter of a complaint.

The complaint has been made by.....

and states that.....

(Signed)

Regional Registrar.

1968-69, c. 6,  
s. 55, subs. 2  
(1970, c. 57,  
s. 11),  
re-enacted

**11.** Subsection 2 of section 55 of *The Assessment Act, 1968-69*, as re-enacted by section 11 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Notice of  
appeal

(2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

1968-69,  
c. 6, s. 72  
(1970, c. 57,  
s. 15), subs. 1,  
re-enacted

**12.—(1)** Subsection 1 of section 72 of *The Assessment Act, 1968-69*, as re-enacted by section 15 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Apportion-  
ment of  
county rates

(1) Subject to subsection 5, the council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion the county rate in the same proportions as the last apportionment made for county purposes as adjusted in accordance with the alterations made to the assessment rolls of the municipalities pursuant to section 92.

1968-69,  
c. 6, s. 72,  
(1970, c. 57,  
s. 15), subs. 2,  
repealed

(2) Subsection 2 of the said section 72 is repealed.

1968-69,  
c. 6, s. 72  
(1970, c. 57,  
subs. 3),  
re-enacted

(3) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

SECTION 11. Complementary to the amendments made to section 52.

SECTION 12. Subsection 1. The amendment provides for apportionment of county rates on the same basis as the preceding year.

Subsection 2. This provision is obsolete and is, therefore, repealed.

Subsection 3. The amendment provides for equalization of payments in lieu of taxes on the basis of the last equalization factor determined under section 71.

**SECTION 13.** Sections 91 to 102 provide for using the 1970 assessment roll as the basis for taxation in the years 1972, 1973 and 1974. In 1974 a new assessment roll is to be prepared for taxation in the year 1975. By the year 1975 these sections will cease to be in force.

Section 91 provides that the assessment roll for the year 1970 shall be the roll for taxation for the years 1972 to 1974 inclusive subject to the alterations authorized to be made under sections 92 and 93.

Section 92 requires the clerk to keep the assessment roll up-to-date in accordance with the information contained on the collector's roll and information provided by the assessment commissioner in order to keep the 1970 assessment roll current.

Section 93 prevents any increase in assessment by reason of an improvement to a building unless the improvement increases the market value by at least \$2500.

Section 94 allows an appeal to be made against any assessment on the 1970 roll annually until the 31st day of October and provides for notice by publication of this right of appeal.

Section 95 provides for taxes to be levied on the assessment roll as corrected by the Assessment Review Court.

Section 96 directs the appeal tribunal to alter assessments in accordance with the value of assessments of properties similar to that under appeal.

Section 97 extends the time for bringing an action or proceeding in relation to assessments.

Section 98 provides that the assessments generally made in 1971 are inoperative.

- (3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the last equalization factor determined under section 71.

**13.** *The Assessment Act, 1968-69* is amended by adding thereto the following sections:

91. Subject to the alterations, amendments and corrections authorized by this Act, for the purposes of any general or special Act, the assessment roll of every municipality prepared for the year 1970 for taxation in 1971 shall be the assessment roll of the municipality in the years 1971 to and including 1974 and the assessments of all real property as set forth on the 1970 assessment roll shall be the assessments of the real property and the assessment commissioner of a municipality shall not cause to be prepared a new assessment roll for the municipality until the year 1974 for taxation in 1975.

92.—(1) The assessment commissioner of the municipality shall certify to the clerk of the municipality the values of any assessments to be altered, amended or corrected on the assessment roll and he shall provide the clerk,

(a) with a description of any subdivisions of land or parcels of land as required by paragraphs 2 and 3 of subsection 2 of section 17 to be separately assessed on the assessment roll sufficient to identify the lands; and

(b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2, 4, 5, 6, 7, 19 and 20 of subsection 1 of section 17 and section 18.

Alterations  
to be made by  
clerk in  
assessment  
roll

- (2) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality to account for,
- (a) the additions to the assessment made pursuant to sections 42 and 44;
  - (b) any annexation order made by the Ontario Municipal Board;
  - (c) any order of an administrative tribunal or a court made pursuant to this Act;
  - (d) any alteration to the value of an assessment required by clause *e* of subsection 1 of section 7 and section 86;
  - (e) the addition or deletion of the name of any person in the municipality who becomes or ceases to be liable to assessment;
  - (f) the separate assessment of subdivisions or parcels of lands required to be separately assessed pursuant to paragraphs 2 and 3 of subsection 2 of section 17.

Assessment  
roll to be  
altered to  
reflect  
alterations  
in collector's  
roll

- (3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43, clauses *a*, *b*, *c*, *e* and *f* of subsection 1 of section 76, subsection 8 of section 76 and section 77 of this Act and section 568 of *The Municipal Act*.

R.S.O. 1960,  
c. 249

Notice of  
alterations  
to persons  
assessed

- (4) Where an alteration or amendment is made to the assessment roll pursuant to clause *e* or *f* of subsection 2, the clerk of the municipality shall, before the alteration or amendment is made to the assessment roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 40 to the person assessed a notice of assessment, and the same right of appeal lies as if the assessment had been made in the usual way.

No amend-  
ment to roll  
until increase  
at least  
\$2,500

93. No amendment shall be made to the assessment or collector's roll pursuant to section 42, 43 or 44 by reason of an increase in value to land because a

building has been erected, altered or enlarged until the increase in value is at least in the sum of \$2,500 at market value or, if the assessment in the municipality is at less than market value, at an equivalent value.

- 94.—(1) The time for bringing a complaint under section 52 with respect to an assessment on the assessment roll shall be at any time not later than the 31st day of October in any year and not as prescribed in section 52. Time for complaint
- (2) The clerk of every municipality shall cause to be published not later than the 1st day of October in each year in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby a notice setting forth, Publication of notice
- (a) that any complaint with respect to an assessment on the assessment roll may be brought to the Assessment Review Court pursuant to section 52;
  - (b) that the assessment roll may be inspected at the municipal offices during business hours;
  - (c) that notice of any complaint under subsection 1 or 2 of section 52 shall be mailed by ordinary mail to the regional registrar and by registered mail to any other person whose assessment is complained of not later than the 31st day of October; and
  - (d) the address of the regional registrar of the Assessment Review Court.
- (3) The Assessment Review Court shall hear and dispose of all appeals in each municipality by the 31st day of December in each year and the assessment roll when corrected and revised by the Assessment Review Court and certified by the regional registrar shall be for all purposes the last revised assessment roll of the municipality. Last revised assessment roll
95. In every municipality, the rate of taxation for each year shall be fixed and levied on the assessment according to the last revised assessment roll. Rate to be levied on last revised assessment roll

Powers  
on appeal

96. The Assessment Review Court, county judge, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Court, judge, Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.
97. Notwithstanding section 67, a proceeding or action may be brought in a court pursuant to section 66 or 67 at any time but the court may only alter an assessment to affect taxes fixed, levied and payable with respect to such assessment in the year in which the action or proceeding is commenced and any subsequent year.
98. No assessment taken in any municipality under subsection 1 or 2 of section 46 in the year 1971 shall be used for purposes of taxation and no appeal, complaint, action or proceeding shall lie, be brought, maintained or continued with respect to any such assessment.
99. Sections 91, 95 and 97, and section 93 in so far as it relates to an addition to the assessment or collector's roll under section 42 or 43, cease to be in force on the 1st day of January, 1975.
100. Sections 92 and 94, and section 93 in so far as it relates to an amendment made to the assessment roll under section 44, cease to be in force on the 1st day of January, 1974.
101. Section 96 ceases to be in force on the 1st day of October, 1974, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1974.
102. The following provisions of *The Assessment Act, 1968-69* cease to be in force on the day this section comes into force, remain inoperative until the 1st day of January, 1974 and come into force on the 1st day of January, 1974:

Time for  
action or  
proceeding

Assessments  
generally  
made in 1971  
inoperative

Application

Idem

Idem

Sections  
cease to  
be in force

1. Subsection 1 of section 17, as amended by section 2 of *The Assessment Amendment Act, 1970.*
2. Section 23, as re-enacted by section 3 of *The Assessment Amendment Act, 1970.*
3. Subsection 6 of section 33.
4. Subsection 4 of section 38.
5. Section 46, as amended by section 6 of *The Assessment Amendment Act, 1970.*
6. Subsections 1 and 2, as re-enacted by section 7 of *The Assessment Amendment Act, 1970*, and subsections 3, 4 and 5 of section 47.
7. Section 48.
8. Section 71, as re-enacted by section 15 of *The Assessment Amendment Act, 1970.*

**14.**—(1) This Act, except sections 1, 2, 4, 5, 8 and 9, <sup>commencement</sup> comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 4 and 8 shall be deemed to have <sup>Idem</sup> come into force on the 1st day of January, 1971.

(3) Sections 5 and 9 come into force on the 1st day of <sup>Idem</sup> January, 1974.

**15.** This Act may be cited as *The Assessment Amendment* <sup>Short title</sup> *Act, 1971.*

An Act to amend  
The Assessment Act, 1968-69

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*1st Reading*

July 14th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

(*Government Bill*)

CAZON  
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-B56

**BILL 127**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Assessment Act, 1968-69**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 127****1971****An Act to amend The Assessment Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *m* of section 1 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6, s. 1, cl. *m*, re-enacted

(*m*) "locality", except in section 38, means a public school section, a separate school zone or a secondary school district that comprises or includes territory without municipal organization and includes the board of any of them.

**2.** Paragraph 19 of section 3 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6, s. 3, par. 19, re-enacted

**19.** The buildings, plant and machinery in, on or under mineral land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and the minerals in, on or under such land other than diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes or non-auriferous sand or gravel, but not including a concentrator or smelter of ore or metals. Mineral land and minerals

**3.—(1)** Subsection 7 of section 27 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6, s. 27, subs. 7, re-enacted

(7) Land used as woodlands or orchards shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees. Woodlands or orchards

(2) The said section 27 is amended by adding thereto the following subsection: 1968-69, c. 6, s. 27, amended

Interpre-  
tation,  
orchards

- (9) In subsection 7, "orchards" means lands having an area of at least one-half acre on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least twenty-six fruit trees per acre, of one or more of the following kinds: apple, cherry, grape vine, peach, apricot, pear, plum, and such other fruit-producing trees, shrubs or vines as may be designated by order in council.

1968-69,  
c. 6, s. 28,  
subs. 1,  
re-enacted

- 4.** Subsection 1 of section 28 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Profits  
from mines

- (1) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

1968-69, c. 6,  
s. 33, subs. 5,  
re-enacted

- 5.** Subsection 5 of section 33 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Adjustment  
of assess-  
ment

- (5) Subject to subsection 5a, the Department shall in each year in each municipality adjust the assessment of pipe lines determined under subsection 4 so that such assessment shall be on the same basis as the assessment made of other lands in the municipality in the year the table of rates applicable to such pipe lines comes into effect.

Idem

- (5a) In any year in which lands generally in a municipality are assessed differently from the preceding year, the Department shall adjust the assessment of pipe lines in such municipality determined under subsection 4 so that such assessment shall be on the same basis as the assessment of other lands in the municipality made in that year.

1968-69, c. 6,  
s. 39,  
repealed

- 6.** Section 39 of *The Assessment Act, 1968-69* is repealed.

1968-69, c. 6,  
s. 42,  
amended

- 7.** Section 42 of *The Assessment Act, 1968-69* is amended by adding thereto the following subsection:

"Omitted"  
defined

- (4) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

**8.**—(1) Clause *a* of subsection 1 of section 43 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

- (a) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building or portion of a building as determined by section 27 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied.
- (2) Subsections 2 and 3 of the said section 43 are repealed and the following substituted therefor:
- (2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes that would have been levied for the current year if the assessment had been made in the usual way, and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the liability to taxation commences under subsection 1 bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.
- (3) Where the amount of a business assessment is entered in the collector's roll under clause *c* of subsection 1, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for any business purpose mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly.

**9.**—(1) Subsections 2 and 3 of section 46 of *The Assessment Act, 1968-69*, as re-enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1970*, are repealed and the following substituted therefor:

- (2) In any year the assessment may be taken in different municipalities, or in different areas within a municipality, at different times as determined by the assessment commissioner, and, when the assessment is taken in different areas at different times, separate assessment rolls shall be prepared for such areas and the rolls of such municipalities and areas may be returned at the times determined by the assessment commissioner but in no case later than the 1st day of October.

Publication  
of notice

(3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) when the assessment of the whole municipality is to be taken at a different time, the time within which the assessment will be taken and the time for the return of the assessment roll;
- (b) when the assessment is to be taken in different areas within a municipality at different times,
  - (i) that the assessment in the municipality will be taken in different areas at different times,
  - (ii) the different areas to be assessed, and
  - (iii) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

1968-69, c. 6,  
s. 46, subs. 4  
(1970, c. 57,  
s. 6, subs. 3),  
re-enacted

(2) Subsection 4 of the said section 46, as re-enacted by subsection 3 of section 6 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Extension  
of time for  
return of  
roll

(4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality by the 1st day of October or at the time determined by the assessment commissioner under subsection 2, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

1968-69, c. 6,  
s. 52,  
subs. 1-4,  
re-enacted

**10.** Subsections 1, 2, 3 and 4 of section 52 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor:

- (1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been undercharged or overcharged by the assessor in the roll, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection 4.
- (2) Any person including a municipality or a school board may, within the time limited by subsection 3, give notice in writing,
- (a) to the regional registrar of the Assessment Review Court; and
  - (b) to any other person whose assessment is complained of,

complaining that any other person has been assessed too low or too high or has been wrongly inserted or omitted from the roll and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection 4, and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

- (3) A notice of complaint,
- (a) to the regional registrar under subsection 1 or 2, shall be mailed to him by ordinary mail; and
  - (b) to any other person whose assessment is complained of, shall be mailed to him by registered mail,

within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll in case the roll is not returned within the time fixed for that purpose, and the regional registrar shall immediately transmit a copy of all notices received by him to the assessment commissioner.

- (4) The regional registrar shall give to the assessment commissioner and the clerk of the municipality and to all persons complaining and all persons whose

Notice of hearing

assessment is complained of notice of any hearing by the Assessment Review Court at least fourteen days before the date fixed for the hearing in the following form:

Take notice that the Assessment Review Court will sit  
at.....on the.....day of.....  
in the matter of a complaint.

The complaint has been made by.....  
and states that.....

(Signed)

Regional Registrar.

1968-69, c. 6,  
s. 55, subs. 2  
(1970, c. 57,  
s. 11),  
re-enacted

**11.** Subsection 2 of section 55 of *The Assessment Act, 1968-69*, as re-enacted by section 11 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Notice of  
appeal

(2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

1968-69,  
c. 6, s. 72  
(1970, c. 57,  
s. 15), subs. 1,  
re-enacted

**12.—(1)** Subsection 1 of section 72 of *The Assessment Act, 1968-69*, as re-enacted by section 15 of *The Assessment Amendment Act, 1970*, is repealed and the following substituted therefor:

Apportion-  
ment of  
county rates

(1) Subject to subsection 5, the council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion the county rate in the same proportions as the last apportionment made for county purposes as adjusted in accordance with the alterations made to the assessment rolls of the municipalities pursuant to section 92.

1968-69,  
c. 6, s. 72,  
(1970, c. 57,  
s. 15), subs. 2,  
repealed

(2) Subsection 2 of the said section 72 is repealed.

1968-69,  
c. 6, s. 72  
(1970, c. 57,  
subs. 3),  
re-enacted

(3) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

- (3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the last equalization factor determined under section 71.

**13.** *The Assessment Act, 1968-69* is amended by adding thereto the following sections:

91. Subject to the alterations, amendments and corrections authorized by this Act, for the purposes of any general or special Act, the assessment roll of every municipality prepared for the year 1970 for taxation in 1971 shall be the assessment roll of the municipality in the years 1971 to and including 1974 and the assessments of all real property as set forth on the 1970 assessment roll shall be the assessments of the real property and the assessment commissioner of a municipality shall not cause to be prepared a new assessment roll for the municipality until the year 1974 for taxation in 1975.

- 92.—(1) The assessment commissioner of the municipality shall certify to the clerk of the municipality the values of any assessments to be altered, amended or corrected on the assessment roll and he shall provide the clerk,

(a) with a description of any subdivisions of land or parcels of land as required by paragraphs 2 and 3 of subsection 2 of section 17 to be separately assessed on the assessment roll sufficient to identify the lands; and

(b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2, 4, 5, 6, 7, 19 and 20 of subsection 1 of section 17 and section 18.

Alterations  
to be made by  
clerk in  
assessment  
roll

- (2) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality to account for,
- (a) the additions to the assessment made pursuant to sections 42 and 44;
  - (b) any annexation order made by the Ontario Municipal Board;
  - (c) any order of an administrative tribunal or a court made pursuant to this Act;
  - (d) any alteration to the value of an assessment required by clause *e* of subsection 1 of section 7 and section 86;
  - (e) the addition or deletion of the name of any person in the municipality who becomes or ceases to be liable to assessment;
  - (f) the separate assessment of subdivisions or parcels of lands required to be separately assessed pursuant to paragraphs 2 and 3 of subsection 2 of section 17.

Assessment  
roll to be  
altered to  
reflect  
alterations  
in collector's  
roll

R.S.O. 1960,  
c. 249

Notice of  
alterations  
to persons  
assessed

No amend-  
ment to roll  
until increase  
at least  
\$2,500

- (3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43, clauses *a*, *b*, *c*, *e* and *f* of subsection 1 of section 76, subsection 8 of section 76 and section 77 of this Act and section 568 of *The Municipal Act*.

- (4) Where an alteration or amendment is made to the assessment roll pursuant to clause *e* or *f* of subsection 2, the clerk of the municipality shall, before the alteration or amendment is made to the assessment roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 40 to the person assessed a notice of assessment, and the same right of appeal lies as if the assessment had been made in the usual way.

93. No amendment shall be made to the assessment or collector's roll pursuant to section 42, 43 or 44 by reason of an increase in value to land because a

building has been erected, altered or enlarged until the increase in value is at least in the sum of \$2,500 at market value or, if the assessment in the municipality is at less than market value, at an equivalent value.

- 94.—(1) The time for bringing a complaint under section 52 with respect to an assessment on the assessment roll shall be at any time not later than the 31st day of October in any year and not as prescribed in section 52. Time for complaint
- (2) The clerk of every municipality shall cause to be published not later than the 1st day of October in each year in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby a notice setting forth, Publication of notice
- (a) that any complaint with respect to an assessment on the assessment roll may be brought to the Assessment Review Court pursuant to section 52;
  - (b) that the assessment roll may be inspected at the municipal offices during business hours;
  - (c) that notice of any complaint under subsection 1 or 2 of section 52 shall be mailed by ordinary mail to the regional registrar and by registered mail to any other person whose assessment is complained of not later than the 31st day of October; and
  - (d) the address of the regional registrar of the Assessment Review Court.
- (3) The Assessment Review Court shall hear and dispose of all appeals in each municipality by the 31st day of December in each year and the assessment roll when corrected and revised by the Assessment Review Court and certified by the regional registrar shall be for all purposes the last revised assessment roll of the municipality. Last revised assessment roll
95. In every municipality, the rate of taxation for each year shall be fixed and levied on the assessment according to the last revised assessment roll. Rate to be levied on last revised assessment roll

Powers  
on appeal

96. The Assessment Review Court, county judge, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Court, judge, Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Time for  
action or  
proceeding

97. Notwithstanding section 67, a proceeding or action may be brought in a court pursuant to section 66 or 67 at any time but the court may only alter an assessment to affect taxes fixed, levied and payable with respect to such assessment in the year in which the action or proceeding is commenced and any subsequent year.

Assessments  
generally  
made in 1971  
inoperative

98. No assessment taken in any municipality under subsection 1 or 2 of section 46 in the year 1971 shall be used for purposes of taxation and no appeal, complaint, action or proceeding shall lie, be brought, maintained or continued with respect to any such assessment.

Application

99. Sections 91, 95 and 97, and section 93 in so far as it relates to an addition to the assessment or collector's roll under section 42 or 43, cease to be in force on the 1st day of January, 1975.

Idem

100. Sections 92 and 94, and section 93 in so far as it relates to an amendment made to the assessment roll under section 44, cease to be in force on the 1st day of January, 1974.

Idem

101. Section 96 ceases to be in force on the 1st day of October, 1974, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1974.

Sections  
cease to  
be in force

102. The following provisions of *The Assessment Act, 1968-69* cease to be in force on the day this section comes into force, remain inoperative until the 1st day of January, 1974 and come into force on the 1st day of January, 1974:

1. Subsection 1 of section 17, as amended by section 2 of *The Assessment Amendment Act, 1970.*
2. Section 23, as re-enacted by section 3 of *The Assessment Amendment Act, 1970.*
3. Subsection 6 of section 33.
4. Subsection 4 of section 38.
5. Section 46, as amended by section 6 of *The Assessment Amendment Act, 1970.*
6. Subsections 1 and 2, as re-enacted by section 7 of *The Assessment Amendment Act, 1970*, and subsections 3, 4 and 5 of section 47.
7. Section 48.
8. Section 71, as re-enacted by section 15 of *The Assessment Amendment Act, 1970.*

**14.**—(1) This Act, except sections 1, 2, 4, 5, 8 and 9, <sup>commencement</sup> comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 4 and 8 shall be deemed to have <sup>Idem</sup> come into force on the 1st day of January, 1971.

(3) Sections 5 and 9 come into force on the 1st day of <sup>Idem</sup> January, 1974.

**15.** This Act may be cited as *The Assessment Amendment* <sup>Short title</sup> *Act, 1971.*





**BILL 12**

An Act to amend  
The Assessment Act, 1968-69

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*1st Reading*

July 14th, 1971

*2nd Reading*

July 19th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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Government  
Publications

**BILL 128**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that members of the Metropolitan Toronto Police Force are employees of Metropolitan Toronto for the purpose of providing pensions to such members.

SECTION 2. Self-explanatory.

SECTION 3. The amendment authorizes the Metropolitan Corporation to enter into water supply contracts with regional municipalities.

**BILL 128****1971**

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after R.S.O. 1960,  
c. 260, s. 24,  
“includes” in the sixth line “a member of the Metropolitan Police Force and”, so that the clause shall read as follows:  
*cl. a,*  
*amended*

(*a*) In this subsection, “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes a member of the Metropolitan Police Force and any person designated as an employee by the Minister. *Interpretation*

**2.** The definition of “employee” in clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of the Metropolitan Police Force, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 14th day of July, 1971. *Application*

**3.** Subsection 2 of section 46 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after R.S.O. 1960,  
c. 260, s. 46,  
“local” subs. 2,  
“but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality”, so that the subsection shall read as follows:

Sale to  
other  
municipalities

- (2) The Metropolitan Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1960,  
c. 260, s. 67,  
subs. 2,  
amended

**4.** Subsection 2 of section 67 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "local" in the second line "or regional", by inserting after "local" in the fourth line "or regional" and by adding at the end thereof "but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality", so that the subsection shall read as follows:

Agreements  
with other  
municipalities

- (2) The Metropolitan Corporation may enter into a contract with any local or regional municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local or regional municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1960,  
c. 260, s. 76,  
subs. 1,  
amended

**5.** Subsection 1 of section 76 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "as may be agreed upon" in the sixth and seventh lines and inserting in lieu thereof "or regional municipality on such terms and conditions as may be agreed upon" and by inserting after "county" in the eighth line "or regional municipality", so that the subsection shall read as follows:

Establish-  
ment of  
metropolitan  
road system

- (1) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county or regional municipality on such terms and conditions as may be agreed upon between the Metropolitan Council and

**SECTION 4.** The amendment authorizes the Metropolitan Corporation to enter into contracts with a regional municipality to receive and dispose of sewage or land drainage from the regional municipality.

**SECTION 5.** The amendment permits Metropolitan Toronto to negotiate boundary road agreements with an adjoining regional municipality.

SECTION 6. Similar in intent to section 1 of the Bill.

SECTION 7. Self-explanatory.

SECTION 8. Subsections 1 and 2. Self-explanatory.

the council of such county or regional municipality, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

**6.** Section 260 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 14 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, is amended by inserting after "employee" in the second line "including a member of the Metropolitan Police Force", so that the section shall read as follows:

260. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Metropolitan Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose.

**7.** The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by police officers in respect of the public inquiry held by the Metropolitan Board of Commissioners of Police during the period from the 5th day of January, 1970, to the 18th day of March, 1970, respecting allegations that officers of the Metropolitan Police Force or any of them had acted improperly in the performance of their duties.

**8.—(1)** The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Gerrard Street and the north limit of Dundas Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one eight-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

**(2)** Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the

exercise by the Metropolitan Corporation of its powers under this section.

Commencement      **9.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem      (2) Section 6 shall be deemed to have come into force on the 1st day of January, 1957.

Short title      **10.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971* (No. 2).







**BILL 128**

An Act to amend  
The Municipality of  
Metropolitan Toronto Act

*1st Reading*

July 14th, 1971

*2nd Reading*

*3rd Reading*

THE HON. DALTON A. BALES  
Minister of Municipal Affairs

(*Government Bill*)

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-B 56

**BILL 128**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971 —

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs





BILL 128

1971

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after R.S.O. 1960,  
c. 260, s. 24,  
subs. 2,  
*cl. a'*,  
“includes” in the sixth line “a member of the Metropolitan <sup>amended</sup> Police Force and”, so that the clause shall read as follows:

(a) In this subsection, “employee” means any salaried <sup>Interpretation</sup> officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes a member of the Metropolitan Police Force and any person designated as an employee by the Minister.

**2.** The definition of “employee” in clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of the Metropolitan Police Force, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 14th day of July, 1971.

**3.** Subsection 2 of section 46 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “local” R.S.O. 1960,  
c. 260, s. 46,  
subs. 2,  
*amended* in the second line “or regional” and by adding at the end thereof “but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality”, so that the subsection shall read as follows:

Sale to  
other  
municipalities

- (2) The Metropolitan Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1960,  
c. 260, s. 67,  
subs. 2,  
amended

**4.** Subsection 2 of section 67 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "local" in the second line "or regional", by inserting after "local" in the fourth line "or regional" and by adding at the end thereof "but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality", so that the subsection shall read as follows:

Agreements  
with other  
municipalities

- (2) The Metropolitan Corporation may enter into a contract with any local or regional municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local or regional municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1960,  
c. 260, s. 76,  
subs. 1,  
amended

**5.** Subsection 1 of section 76 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "as may be agreed upon" in the sixth and seventh lines and inserting in lieu thereof "or regional municipality on such terms and conditions as may be agreed upon" and by inserting after "county" in the eighth line "or regional municipality", so that the subsection shall read as follows:

Establish-  
ment of  
metropolitan  
road system

- (1) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county or regional municipality on such terms and conditions as may be agreed upon between the Metropolitan Council and

the council of such county or regional municipality, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

**6.** Section 260 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 14 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, is amended by inserting after "employee" in the second line "including a member of the Metropolitan Police Force", so that the section shall read as follows:

260. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Metropolitan Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose.

7. The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by police officers in respect of the public inquiry held by the Metropolitan Board of Commissioners of Police during the period from the 5th day of January, 1970, to the 18th day of March, 1970, respecting allegations that officers of the Metropolitan Police Force or any of them had acted improperly in the performance of their duties.

8.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Gerrard Street and the north limit of Dundas Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one eight-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the

exercise by the Metropolitan Corporation of its powers under this section.

Commencement      **9.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem      (2) Section 6 shall be deemed to have come into force on the 1st day of January, 1957.

Short title      **10.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971* (No. 2).



## **BILL 128**

An Act to amend  
The Municipality of  
Metropolitan Toronto Act

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*1st Reading*

July 14th, 1971

*2nd Reading*

July 16th, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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BILL 129

Government Bill

Governmen  
Publication

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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## An Act to amend The Mining Act

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** Subsections 1 and 2. Complementary to subsection 3 of this section.

Subsection 3. The Minister shall issue without fee a miner's licence valid for the lifetime of the holder where that person has held a licence continuously for 25 years.

**SECTION 2.** The amendment removes a restriction on the manner in which a claim-holder may distribute application of work-credits in respect of contiguous claims.

BILL 129

1971

### An Act to amend The Mining Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 27 of *The Mining Act* is R.S.O. 1960, c. 241, s. 27, amended by striking out “upon producing his licence” in subs. 1, amended the third line and by adding at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

(1) A licensee is entitled to a renewal of his licence Renewal of licences before its expiration upon making application therefor in the prescribed form and paying the prescribed fee, except as provided under subsection 5.

(2) Subsection 3 of the said section 27 is amended by adding R.S.O. 1960, c. 241, s. 27, subs. 3, amended at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

(3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued Date and effect of renewal and shall take effect immediately upon the expiration of the licence of which it is a renewal, or of the last preceding renewal, as the case may be, except as provided under subsection 5.

(3) Subsection 5 of the said section 27 is repealed and R.S.O. 1960, c. 241, s. 27, subs. 5, re-enacted the following substituted therefor:

(5) The Minister shall renew the licence of a person Renewal of licence for holder by lifetime of Minister who has held a licence continuously for twenty-five years, without fee, and the licence shall remain in good standing during the lifetime of the licensee and shall expire at 12 o'clock midnight of the day of death of the licensee.

**2.** Subsection 6 of section 83 of *The Mining Act*, as re-enacted (1967, c. 54, s. 9), by section 9 of *The Mining Amendment Act, 1967*, is amended amende

by striking out "and at least one day's work must be filed on each claim grouped for a filing of work" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

Work to be performed on claims

- (6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 18 of section 100a, shall more than 4,000 days work be performed on a claim for application on other claims.

R.S.O. 1960,  
c. 241, s. 84,  
subs. 6  
(1968, c. 71,  
s. 4, subs. 2),  
re-enacted

**3.—(1)** Subsection 6 of section 84 of *The Mining Act*, as re-enacted by subsection 2 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Core specimens

- (6) Where core specimens are submitted with the report and core log for the core drilling referred to in subsection 5, and the core specimens,
- (a) are representative of rock types encountered for the drill hole;
  - (b) are not less than 3 inches in length;
  - (c) are taken at intervals of not less than 25 feet throughout the length of the hole and are clearly labelled as to the footage; and
  - (d) are taken at intervals of less than 25 feet where structural changes in the rock type occur,

each specimen counts as one day's work, but in the case of the specimens referred to in clause d the work credit shall not exceed in number of days the total footage of the hole drilled divided by 25.

R.S.O. 1960,  
c. 241, s. 84,  
subs. 14  
(1964, c. 62,  
s. 7, subs. 3),  
14a (1968,  
c. 71, s. 4,  
subs. 6), 15  
(1967, c. 54,  
s. 10, subs. 6),  
re-enacted

- (2) Subsection 14, as enacted by subsection 3 of section 7 of *The Mining Amendment Act, 1964*, subsection 14a, as enacted by subsection 6 of section 4 of *The Mining Amendment Act, 1968* and amended by subsection 4 of section 10 of *The Mining Amendment Act, 1970* (No. 2), and subsection 15, as enacted by subsection 6 of section 10 of *The Mining Amend-*

SECTION 3. Subsection 1. Core specimens taken at intervals of less than 25 feet will qualify for work-credits where they indicate changes in rock structure; presently core specimens qualify only when taken at intervals of not less than 25 feet.

Subsection 2. The recording of work on account of beneficiation studies, analyses, assays, microscopic studies, etc., is placed on a similar basis to that in respect of geophysical and other work of a technical nature.

SECTION 4. Complementary to subsection 3 of section 1 of the Bill.

SECTION 5. Subsection 1. The amendment will permit a mining recorder to issue a quarry permit.

*ment Act, 1967*, of the said section 84, are repealed and the following substituted therefor:

- (14) Beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate are submitted to and approved by the Minister within sixty days of recording the work, or within such additional time not exceeding sixty days as the Minister may allow. Beneficiation studies, etc.,  
to count as work
- (15) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs. Expenditure where coupons used
- (16) Where the approval of the Minister is required for work credits, approval by him of the amount of work is final. Work credits

**4.**—(1) Clause *a* of subsection 1 of section 92 of *The Mining Act* is amended by inserting after “fee” in the fifth line “except as provided under subsection 5 of section 27”, so that the clause shall read as follows:

(*a*) where the licence of the claim holder has expired, the Commissioner may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing a special renewal of the licence on payment of twice the prescribed fee except as provided under subsection 5 of section 27; or

(2) Subsection 10 of the said section 92, as enacted by subsection 3 of section 26 of *The Mining Amendment Act, 1962-63*, is repealed. R.S.O. 1960,  
c. 241, s. 92,  
subs. 10  
(1962-63, c. 84,  
s. 26, subs. 3),  
repealed

**5.**—(1) Subsection 2 of section 118 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 118,  
subs. 2,  
re-enacted

Application	(2) Application for a quarry permit may be made in the prescribed form to the Minister, Deputy Minister or a recorder.
R.S.O. 1960, c. 241, s. 118, subs. 4, amended	(2) Subsection 4 of the said section 118 is amended by striking out "100 cubic yards or 100 tons" in the fifth line and inserting in lieu thereof "500 cubic yards", so that the subsection shall read as follows:
Issue free of charge	(4) Notwithstanding subsection 3, a quarry permit may be issued free of charge to any municipality, or to any resident of Ontario if the material to be taken or removed is for his own use and not for sale or for use for any commercial or industrial purpose, but, where more than 500 cubic yards of material is to be taken or removed, the permit shall not be issued free of charge without the approval of the Minister.
R.S.O. 1960, c. 241, s. 118, subs. 5, re-enacted	(3) Subsection 5 of the said section 118 is repealed and the following substituted therefor:
Term	(5) A quarry permit shall expire on the first anniversary date of its issue, unless otherwise stated in the permit.
R.S.O. 1960, c. 241, s. 121, amended	<b>6.</b> Section 121 of <i>The Mining Act</i> is amended by inserting after "Minister" in the first line "Deputy Minister or a recorder", so that the section shall read as follows:
Power to inspect	121. Any person authorized by the Minister, Deputy Minister or a recorder may enter any premises covered by a quarry permit and shall have access to all accounts, records and documents kept in relation to the operation of the quarry.
R.S.O. 1960, c. 241, s. 124, re-enacted	<b>7.</b> Section 124 of <i>The Mining Act</i> is repealed and the following substituted therefor:
Offence	124. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not more than \$1,000.
R.S.O. 1960, c. 241, s. 655, re-enacted	<b>8.</b> Section 655 of <i>The Mining Act</i> is repealed and the following substituted therefor:
Voluntary surrender of mining lands	655.—(1) The owner, lessee or licensee of any mining lands or mining rights granted under this Act or any other Act, may voluntarily surrender such lands or mining rights to the Crown and thereupon the Minister may cause a notice of determination to be

Subsection 2. The amount of material that may be removed from a quarry without payment of a fee for the permit is increased from 100 cubic yards or 100 tons to 500 cubic yards.

Subsection 3. Presently, quarry permits expire on the 31st day of March next following the date of issue.

SECTION 6. The Deputy Minister and a mining recorder, as well as the Minister, may authorize entry to quarry premises to examine accounts and records.

SECTION 7. The penalty for contravening provisions of the Act relating to quarries is increased.

SECTION 8. The amendment provides for the fixing and publishing of a date upon which mining lands or rights voluntarily surrendered become available for prospecting, staking out, etc.

SECTION 9. The requirements relating to prospecting by technical methods are clarified.

filed in the proper land titles or registry office, as the case may be.

- (2) Lands or mining rights surrendered to the Crown under subsection 1 shall not be open for prospecting, staking out, sale or lease under the Act until a date fixed by the Deputy Minister, notice of which shall be published in *The Ontario Gazette* at least two weeks prior thereto.

**9.**—(1) Paragraph 7 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor:

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 per acre, but in no case shall such annual expenditure be less than \$25,000 and,
- i. where the licensee has expended an amount in excess of the required annual expenditure, the excess amount so expended may be credited towards the amount required to be expended in the second or following years of the licence,
  - ii. where the Minister is satisfied that a *bona fide* attempt has been made by the licensee to meet the required annual expenditure, and where due to weather or other conditions beyond his control, the licensee is prevented from carrying out the work requirements, the Minister, by written order issued prior to the anniversary date of the licence, may extend the time for a period of not more than one year, provided bearer bonds acceptable to the Minister or a promissory note guaranteed by a Canadian chartered bank is deposited with the Minister equal in amount to the amount required to be expended,
  - iii. upon the required expenditure being made within the time so extended, the bearer bonds or promissory note so deposited shall be returned to the licensee,
  - iv. where the licensee fails to comply with the required expenditure within the extended time, the deposit is forfeited to and becomes the property of the Crown.

R.S.O. 1960,  
c. 241, s. 657,  
subs. 1, par. 9,  
subpar. 1,  
amended

(2) Subparagraph i of paragraph 9 of subsection 1 of the said section 657 is amended by striking out "the" in the first line and inserting in lieu thereof "each", so that the subparagraph shall read as follows:

- i. within thirty days after each anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in paragraph 7.

R.S.O. 1960,  
c. 241, s. 657,  
amended

(3) The said section 657, as amended by section 12 of *The Mining Amendment Act, 1970 (No. 2)*, is further amended by adding thereto the following subsections:

Reduction  
in acreage

(1a) The licensee may make application to the Minister within thirty days prior to the anniversary date of the licence for a reduction in the acreage included in the licence and the annual expenditure for the year of the term in which the surrender is made shall be based on the area of the licence at the commencement of that year of the term but the expenditure for ensuing years shall be based on the area being retained, but in no case shall such annual expenditure be less than \$25,000 and the area surrendered shall be in one block.

Lease

(1b) Where the required expenditure has been made and a deposit of economic importance has been found to the satisfaction of the Minister, and the area included in the licence is reduced as provided in subsection 1a, the licensee shall be entitled to apply for a lease of 10 per cent of the reduced area and not 10 per cent of the area for which the licence was originally issued and the lease issued shall be in one block.

Previous  
forfeitures  
validated

**10.** Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commencement

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Mining Amendment Act, 1971*.

SECTION 10. Previous forfeitures of lands and mining rights for non-payment of acreage tax are validated.





# **BILL 129**

An Act to amend  
The Mining Act

*1st Reading*

July 14th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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(*Government Bill*)

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**BILL 129**

Government  
Publication

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Mining Act**

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 129****1971****An Act to amend The Mining Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 27 of *The Mining Act* is amended by striking out “upon producing his licence” in the third line and by adding at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

(1) A licensee is entitled to a renewal of his licence before its expiration upon making application therefor in the prescribed form and paying the prescribed fee, except as provided under subsection 5.

(2) Subsection 3 of the said section 27 is amended by adding at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

(3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued and shall take effect immediately upon the expiration of the licence of which it is a renewal, or of the last preceding renewal, as the case may be, except as provided under subsection 5.

(3) Subsection 5 of the said section 27 is repealed and the following substituted therefor:

(5) The Minister shall renew the licence of a person who has held a licence continuously for twenty-five years, without fee, and the licence shall remain in good standing during the lifetime of the licensee and shall expire at 12 o'clock midnight of the day of death of the licensee.

**2.** Subsection 6 of section 83 of *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1967*, is amended

by striking out "and at least one day's work must be filed on each claim grouped for a filing of work" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

Work to be performed on claims

- (6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 18 of section 100a, shall more than 4,000 days work be performed on a claim for application on other claims.

R.S.O. 1960,  
c. 241, s. 84,  
subs. 6  
(1968, c. 71,  
s. 4, subs. 2),  
re-enacted

**3.**—(1) Subsection 6 of section 84 of *The Mining Act*, as re-enacted by subsection 2 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Core specimens

- (6) Where core specimens are submitted with the report and core log for the core drilling referred to in subsection 5, and the core specimens,
  - (a) are representative of rock types encountered for the drill hole;
  - (b) are not less than 3 inches in length;
  - (c) are taken at intervals of not less than 25 feet throughout the length of the hole and are clearly labelled as to the footage; and
  - (d) are taken at intervals of less than 25 feet where structural changes in the rock type occur,

each specimen counts as one day's work, but in the case of the specimens referred to in clause d the work credit shall not exceed in number of days the total footage of the hole drilled divided by 25.

R.S.O. 1960,  
c. 241, s. 84,  
subs. 14  
(1964, c. 62,  
s. 7, subs. 3),  
14a (1968,  
c. 71, s. 4,  
subs. 6), 15  
(1967, c. 54,  
s. 10, subs. 6),  
re-enacted

- (2) Subsection 14, as enacted by subsection 3 of section 7 of *The Mining Amendment Act, 1964*, subsection 14a, as enacted by subsection 6 of section 4 of *The Mining Amendment Act, 1968* and amended by subsection 4 of section 10 of *The Mining Amendment Act, 1970* (No. 2), and subsection 15, as enacted by subsection 6 of section 10 of *The Mining Amend-*

*ment Act, 1967*, of the said section 84, are repealed and the following substituted therefor:

- (14) Beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate are submitted to and approved by the Minister within sixty days of recording the work, or within such additional time not exceeding sixty days as the Minister may allow.
  
- (15) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs.
  
- (16) Where the approval of the Minister is required for work credits, approval by him of the amount of work is final.

**4.—(1)** Clause *a* of subsection 1 of section 92 of *The Mining Act* is amended by inserting after "fee" in the fifth line "except as provided under subsection 5 of section 27", so that the clause shall read as follows:

- (*a*) where the licence of the claim holder has expired, the Commissioner may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing a special renewal of the licence on payment of twice the prescribed fee except as provided under subsection 5 of section 27; or

(2) Subsection 10 of the said section 92, as enacted by subsection 3 of section 26 of *The Mining Amendment Act, 1962-63*, is repealed.

**5.—(1)** Subsection 2 of section 118 of *The Mining Act* is repealed and the following substituted therefor:

Application R.S.O. 1960, c. 241, s. 118, subs. 4, amended	(2) Application for a quarry permit may be made in the prescribed form to the Minister, Deputy Minister or a recorder.
Issue free of charge  R.S.O. 1960, c. 241, s. 118, subs. 5, re-enacted	(2) Subsection 4 of the said section 118 is amended by striking out "100 cubic yards or 100 tons" in the fifth line and inserting in lieu thereof "500 cubic yards", so that the subsection shall read as follows:
Term  R.S.O. 1960, c. 241, s. 121, amended	(4) Notwithstanding subsection 3, a quarry permit may be issued free of charge to any municipality, or to any resident of Ontario if the material to be taken or removed is for his own use and not for sale or for use for any commercial or industrial purpose, but, where more than 500 cubic yards of material is to be taken or removed, the permit shall not be issued free of charge without the approval of the Minister.
Power to inspect  R.S.O. 1960, c. 241, s. 124, re-enacted	(3) Subsection 5 of the said section 118 is repealed and the following substituted therefor:
Offence  R.S.O. 1960, c. 241, s. 655, re-enacted	(5) A quarry permit shall expire on the first anniversary date of its issue, unless otherwise stated in the permit.
Voluntary surrender of mining lands  R.S.O. 1960, c. 241, s. 655, re-enacted	<p><b>6.</b> Section 121 of <i>The Mining Act</i> is amended by inserting after "Minister" in the first line "Deputy Minister or a recorder", so that the section shall read as follows:</p> <p>121. Any person authorized by the Minister, Deputy Minister or a recorder may enter any premises covered by a quarry permit and shall have access to all accounts, records and documents kept in relation to the operation of the quarry.</p> <p><b>7.</b> Section 124 of <i>The Mining Act</i> is repealed and the following substituted therefor:</p> <p>124. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not more than \$1,000.</p> <p><b>8.</b> Section 655 of <i>The Mining Act</i> is repealed and the following substituted therefor:</p> <p>655.—(1) The owner, lessee or licensee of any mining lands or mining rights granted under this Act or any other Act, may voluntarily surrender such lands or mining rights to the Crown and thereupon the Minister may cause a notice of determination to be</p>

filed in the proper land titles or registry office, as the case may be.

- (2) Lands or mining rights surrendered to the Crown under subsection 1 shall not be open for prospecting, staking out, sale or lease under the Act until a date fixed by the Deputy Minister, notice of which shall be published in *The Ontario Gazette* at least two weeks prior thereto.

**9.**—(1) Paragraph 7 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor:

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 per acre, but in no case shall such annual expenditure be less than \$25,000 and,
- i. where the licensee has expended an amount in excess of the required annual expenditure, the excess amount so expended may be credited towards the amount required to be expended in the second or following years of the licence,
  - ii. where the Minister is satisfied that a *bona fide* attempt has been made by the licensee to meet the required annual expenditure, and where due to weather or other conditions beyond his control, the licensee is prevented from carrying out the work requirements, the Minister, by written order issued prior to the anniversary date of the licence, may extend the time for a period of not more than one year, provided bearer bonds acceptable to the Minister or a promissory note guaranteed by a Canadian chartered bank is deposited with the Minister equal in amount to the amount required to be expended,
  - iii. upon the required expenditure being made within the time so extended, the bearer bonds or promissory note so deposited shall be returned to the licensee,
  - iv. where the licensee fails to comply with the required expenditure within the extended time, the deposit is forfeited to and becomes the property of the Crown.

R.S.O. 1960,  
c. 241, s. 657,  
subs. 1, par. 9,  
subpar. i,  
amended

(2) Subparagraph i of paragraph 9 of subsection 1 of the said section 657 is amended by striking out "the" in the first line and inserting in lieu thereof "each", so that the subparagraph shall read as follows:

- i. within thirty days after each anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in paragraph 7.

R.S.O. 1960,  
c. 241, s. 657,  
amended

(3) The said section 657, as amended by section 12 of *The Mining Amendment Act, 1970 (No. 2)*, is further amended by adding thereto the following subsections:

Reduction  
in acreage

- (1a) The licensee may make application to the Minister within thirty days prior to the anniversary date of the licence for a reduction in the acreage included in the licence and the annual expenditure for the year of the term in which the surrender is made shall be based on the area of the licence at the commencement of that year of the term but the expenditure for ensuing years shall be based on the area being retained, but in no case shall such annual expenditure be less than \$25,000 and the area surrendered shall be in one block.

Lease

- (1b) Where the required expenditure has been made and a deposit of economic importance has been found to the satisfaction of the Minister, and the area included in the licence is reduced as provided in subsection 1a, the licensee shall be entitled to apply for a lease of 10 per cent of the reduced area and not 10 per cent of the area for which the licence was originally issued and the lease issued shall be in one block.

Previous  
forfeitures  
validated

**10.** Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commencement

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Mining Amendment Act, 1971*.







An Act to amend  
The Mining Act

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*1st Reading*

July 14th, 1971

*2nd Reading*

July 28th, 1971

*3rd Reading*

July 28th, 1971

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THE HON. LEO BERNIER  
Minister of Mines and Northern Affairs

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CAZON

XB

-B 56

BILL 130

Private Member's Bill

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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An Act to amend The Schools Administration Act

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MR. PITMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

The Bill provides for the establishment of a school council in every elementary and secondary school.

The composition and method of appointing or electing the members of the council is prescribed and its functions and powers specified.

**BILL 130****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Schools Administration Act* is amended by adding R.S.O. 1960,  
c. 361,  
amended

**54a.**—(1) The principal of every elementary or secondary school shall, at the commencement of the school year, cause to be established a school council to function during that year, composed of eighteen members to be selected as follows:

1. Six members to be appointed from among themselves by the teachers engaged in the school.
  2. Six members to be elected from among themselves by the students in attendance at the school.
  3. Six members, each of whom shall be either a ratepayer in the area in which the school is located or the parent or guardian of a student attending the school, to be appointed by the Home and School Association functioning in the area in which the school is located.
- (2) It is the function of the school council and it has Functions  
of council power to study, investigate and consider matters relating to the academic program offered at the school and the administrative practices followed, and to make such recommendations to the principal respecting those matters as to the school council seem fit.

Procedure  
and  
meetings

(3) The school council may determine its own rules of procedure and the manner of calling meetings and shall hold at least one meeting in each month during the school year in which it functions.

Commencement

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Schools Administration Amendment Act, 1971*.







**BILL 130**

An Act to amend  
The Schools Administration Act

*1st Reading.*

July 14th, 1971

*2nd Reading*

*3rd Reading*

MR. PITMAN

(*Private Member's Bill*)

CA2ON

Government  
Publications

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-B 56

~~3~~ BILL 131

Private Member's Bill

4TH SESSION, 28TH ~~LEGISLATURE~~, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Schools Administration Act**

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MR. PITMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The purpose of the Bill is to provide a mechanism for exempting a child from school attendance where it is clear that the child would benefit from a less formal type of education.

**BILL 131****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Schools Administration Act* is amended by adding R.S.O. 1960,  
c. 361,  
amended thereto the following section:

**16a.**—(1) Where a child of compulsory school age has attained the age of thirteen years, a member of the divisional board of education in the school division within which the child attends school may convene a tribunal to determine whether the child shall be exempted from attendance at school.

(2) The members of the tribunal referred to in subsection 1 shall be,

(a) the member of the divisional board, who shall be chairman of the tribunal;

(b) the principal of the school attended by the child, or a representative of the principal;

(c) the guidance teacher of the child in the school attended by the child, or a representative of the guidance teacher;

(d) the local director of the children's aid society having jurisdiction in the area within which the child attends school, or a representative of the local director; and

(e) one of the parents or guardians of the child.

Basis for  
decision of  
tribunal

(3) Where the tribunal determines that,

(a) it is the opinion of,

(i) the parent or guardian of the child,

(ii) the child,

(iii) the principal of the school attended by the child, and

(iv) the majority of the teachers of the school attended by the child,

✓ that the child would benefit by exemption from attendance at school; and

(b) it is possible for the child to continue his education without attending at school,

the tribunal may so certify to the divisional board, and the child is thereupon exempt from attendance at school.

Guidance  
for exempt  
child

(4) Where a child is exempted under subsection 3, the Director of Guidance Services of the divisional board shall confer with the child at least once every two months for so long as the child resides within the school division until the child attains the age of sixteen years, and shall provide the child with information, guidance and advice as to correspondence courses, night school courses and other formal and informal educational opportunities that may be available to the child.

Commencement

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Schools Administration Amendment Act, 1971*.







# BILL 131

An Act to amend  
The Schools Administration Act

*1st Reading*

July 14th, 1971

*2nd Reading*

*3rd Reading*

MR. PITMAN

(*Private Member's Bill*)

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-B 56

**BILL 132**

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Highway Traffic Act**

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MR. PATERSON

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment requires that in addition to the slow-moving vehicle sign presently required, a flashing amber light on top and two red lights at the rear be displayed on farm tractors and self-propelled implements of husbandry when operated on a highway between sunset and sunrise.

SECTION 2. Addiction to drugs by a patient is specifically added as a condition to be reported by a doctor to the Registrar of Motor Vehicles, where in his opinion the addiction may make it dangerous for the patient to operate a motor vehicle.

**BILL 132****1971****An Act to amend The Highway Traffic Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 42a of *The Highway Traffic Act*, R.S.O. 1960, c. 172, s. 42a (1968, c. 50, s. 9), amended by section 30 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by inserting after "thereof" in the fourth line "and shall when operated on a highway at any time from one-half hour after sunset to one-half hour before sunrise be equipped with a flashing amber light mounted at the top rear thereof and shall display not less than two red lights at the rear thereof", so that the subsection shall read as follows:

- (1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof and shall when operated on a highway at any time from one-half hour after sunset to one-half hour before sunrise be equipped with a flashing amber light mounted at the top rear thereof and shall display not less than two red lights at the rear thereof in accordance with the regulations, except when directly crossing a highway.

**2.** Subsection 1 of section 145a of *The Highway Traffic Act*, R.S.O. 1960, c. 172, s. 145a (1968, c. 50, s. 25), amended by striking out "a condition that may" in the sixth and seventh lines and inserting in lieu thereof "such a condition or is so addicted to the use of drugs as to", so that the subsection shall read as follows:

- (1) Every legally qualified medical practitioner shall report to the Registrar the name, address and practitioner

clinical condition of every person sixteen years of age or over attending upon the medical practitioner for medical services who in the opinion of such medical practitioner is suffering from such a condition or is so addicted to the use of drugs as to make it dangerous for such person to operate a motor vehicle.

Commencement

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Highway Traffic Amendment Act, 1971.*







**BILL 132**

An Act to amend  
The Highway Traffic Act

*1st Reading*

July 15th, 1971

*2nd Reading*

*3rd Reading*

MR. PATERSON

(*Private Member's Bill*)

CAZON

Governor

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-B 56

**BILL 133**

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Schools Administration Act**

MR. PATERSON

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

The purpose of the amendment is to provide procedure for a review of the actions of a director of education or other supervisory officer by a board at the request of the electors or the municipalities served by the board.

**BILL 133****1971**

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 82 of *The Schools Administration Act*, as re-enacted by section 18 of *The Schools Administration Amendment Act, 1968*, is amended by adding thereto the following subsections:

- (4) Where a board receives a petition that complains against the actions of a director of education or other supervisory officer and that is signed by not less than 15 per cent of the persons qualified to vote at the most recent election of members of the board, the board shall,
  - (a) upon reasonable notice to all persons directly concerned, review the actions complained against;
  - (b) determine by recorded vote whether or not such director or other officer shall be removed from office; and
  - (c) where the board determines by the recorded vote to remove or not remove such person from office, forward to the Minister a report of the review, the determination and the recorded vote in order that the Minister may approve such removal from office.

- (5) Where not less than 85 per cent of the municipalities in the area in which a board has jurisdiction by resolution request a review of the actions of a director of education or other supervisory officer, the board shall proceed as set out in subsection 4.

Commencement

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Schools Administration Amendment Act, 1971.*







# BILL 133

An Act to amend  
The Schools Administration Act

*1st Reading*

July 15th, 1971

*2nd Reading*

*3rd Reading*

MR. PATERSON

(*Private Member's Bill*)

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**BILL 134**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to establish  
the Policy and Priorities Board of Cabinet**

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THE HON. W. G. DAVIS  
Prime Minister

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTE**

This Bill establishes the Policy and Priorities Board of Cabinet with the powers and duties set out in section 3.

**BILL 134****1971**

**An Act to establish  
the Policy and Priorities Board of Cabinet**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Policy and Priorities Board of Cabinet.
- (b) "Chairman" means the member of the Executive Council who by order in council is appointed the Chairman of the Board;
- (c) "Vice-Chairman" means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.

**2.—(1)** There shall be a Policy and Priorities Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than three and not more than five other members of the Executive Council designated from time to time by the Lieutenant Governor in Council.

Establish-  
ment and  
composition  
of Board

(2) The Lieutenant Governor in Council may designate other Ministers to serve as alternates in the absence of members of the Board.

Alternate  
members

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board.

Chairman's  
powers and  
duties

(4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.

Absence of  
Chairman

Staff	(5) The Secretary to the Cabinet shall, from among the persons on the staff of the Cabinet office, provide the Board with such staff as is necessary for the proper conduct of the business of the Board.
Procedure	(6) The Board may determine its rules and methods of procedure and shall keep a minute book in which proceedings shall be recorded.
Quorum	(7) Three members of the Board constitute a quorum.
Duties of Board	<p><b>3.</b> The Board shall be the committee of the Executive Council which shall develop, review, co-ordinate and advise on policy and priorities relating to,</p> <ul style="list-style-type: none"> <li>(a) the overall long-term and short-term goals of governmental activity in relation to the social and economic needs of the Province of Ontario;</li> <li>(b) the general outline of budgetary and fiscal policy and of levels of taxation and priorities among expenditure programs in accordance with the goals;</li> <li>(c) recommendations submitted by the co-ordinating committees;</li> <li>(d) program proposals and other matters referred to the Board;</li> <li>(e) the periodic reappraisal of existing programs; and</li> <li>(f) inter-governmental relations.</li> </ul>
Chairman to be minister of department R.S.O. 1960, c. 127	<p><b>4.</b> For the purposes of <i>The Executive Council Act</i>, the Chairman of the Board is a minister having charge of a department.</p>
Commencement	<b>5.</b> This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>6.</b> This Act may be cited as <i>The Policy and Priorities Board of Cabinet Act, 1971</i> .







**BILL 134**

An Act to establish  
the Policy and Priorities Board of Cabinet

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*1st Reading*

July 19th, 1971

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*2nd Reading*

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*3rd Reading*

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THE HON. W. G. DAVIS  
Prime Minister

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(*Government Bill*)

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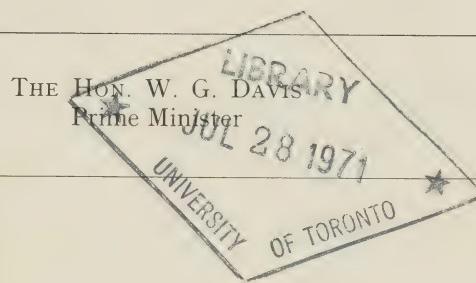
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**BILL 135**

Government  
Publications  
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to establish the Treasury Board of Cabinet**



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

The Bill establishes the Treasury Board of Cabinet under a Chairman who will hold the portfolio of Chairman of the Treasury Board of Cabinet.

This Board will replace the present Treasury Board with revised and extended powers as set out in section 3 of the Bill.

**BILL 135****1971**

**An Act to establish  
the Treasury Board of Cabinet**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Inter-  
pretation

- (a) “Board” means the Treasury Board of Cabinet;
  - (b) “Chairman” means the member of the Executive Council appointed as Chairman of the Board by the Lieutenant Governor;
  - (c) “department” means a department of the Government of Ontario and includes a board, commission, authority, corporation or other agency of the Government of Ontario;
  - (d) “public service” means all departments or any part thereof;
  - (e) “secretariat” means the staff of the Board reporting to the Board through the Secretary;
  - (f) “Secretary” means the Secretary of the Board;
  - (g) “Vice-Chairman” means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.
- (2) Except as otherwise provided in this Act, section 1<sup>Idem</sup> of *The Financial Administration Act* applies to this Act.<sup>R.S.O. 1960,  
c. 142</sup>
- 2.**—(1) There shall be a Treasury Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than three and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council.<sup>Composition  
of Board</sup>

Alternate  
members

(2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Board.

Chairman's  
powers and  
duties

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board and the secretariat.

Absence of  
Chairman

(4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.

## Secretary

(5) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary of the Treasury Board of Cabinet, who shall perform such functions as the Board may assign to him, and the Secretary of the Treasury Board of Cabinet shall rank as and have all the powers and duties of a deputy minister of a department.

Officers and  
employees  
1961-62,  
c. 121

(6) Such other officers and employees as are necessary for the proper conduct of the business of the Board shall be appointed under *The Public Service Act, 1961-62*.

## Procedure

(7) The Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

## Quorum

(8) Three members of the Board constitute a quorum.

Duties of  
Board

**3.**—(1) The Board shall be a committee of the Executive Council with the following powers and duties:

(a) to co-ordinate the implementation of programs sanctioned or provided for by the Legislature;

(b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programs and to assess the results thereof;

(c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;

(d) to approve organization and staff establishments in the public service;

(e) to establish, prescribe or regulate such administrative policies and procedures as the Board considers

necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the Executive Council on any other matter concerning general administrative policy in the public service that is referred to it by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

(2) The Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties.

(3) The Board may issue such administrative directives as it considers necessary in the performance of its duties.

(4) The Board may undertake or order such studies and examinations of the operation and administration of any part of the public service as the Board considers necessary for the performance of the duties of the Board.

(5) The Board in the exercise of its powers and duties under this or any other Act is subject to the direction of the Executive Council which may amend or revoke any action of the Board.

**4.—(1)** Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Board shall estimate the amount to be required for such expenditure and the Lieutenant Governor in Council upon the report of the Treasurer of Ontario that there is no appropriation for the expenditure and upon the report of the Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure.

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued.

Board  
orders

**5.** Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it considers proper.

Regulations

**6.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) respecting the retention and disposal of records;
- (c) fixing the scale of allowances for travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service;
- (d) for any purpose necessary for the efficient administration of the public service.

Chairman to  
be minister  
of  
department  
R.S.O. 1960,  
c. 127

**7.** For the purposes of *The Executive Council Act*, the Chairman of the Board is a minister having charge of a department.

R.S.O. 1960,  
c. 142,  
amended

**8.** *The Financial Administration Act* is amended by repealing the following sections:

1. Section 2, as amended by section 1 of *The Financial Administration Amendment Act, 1966* and section 2 of *The Financial Administration Amendment Act, 1968*.
2. Section 3, as re-enacted by section 3 of *The Financial Administration Amendment Act, 1968*.
3. Section 4, as amended by section 1 of *The Financial Administration Amendment Act, 1965*.
4. Section 5, as amended by section 2 of *The Financial Administration Amendment Act, 1965* and section 4 of *The Financial Administration Amendment Act, 1968*.
5. Section 29.

6. Section 30, as amended by section 3 of *The Financial Administration Amendment Act, 1961-62.*

7. Section 32.

**9.** This Act comes into force on a day to be named by <sup>Commencement</sup> the Lieutenant Governor by his proclamation.

**10.** This Act may be cited as *The Treasury Board of Cabinet Act, 1971.* <sup>Short title</sup>

An Act to establish  
the Treasury Board of Cabinet

*1st Reading*

July 19th, 1971

*2nd Reading*

*3rd Reading*

THE HON. W. G. DAVIS  
Prime Minister

(*Government Bill*)

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BILL 136

Government  
Publications  
Government Bill

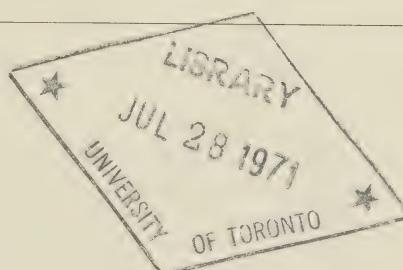
4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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An Act to amend The Municipal Act

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Subsection 1. The amendment adds to designated universities as educational institutions that may be taxed, the Ryerson Polytechnical Institute and the colleges of applied arts and technology; the rate of tax may be increased from \$25 to \$35 per student where the number of students enrolled in taxable institutions in a municipality exceeds 5 per cent of the total population.

**BILL 136****1971**

### **An Act to amend The Municipal Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 294<sup>b</sup> of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1970* (No. 1), is repealed and the following substituted re-enacted therefor:

- (1) Notwithstanding any general or special Act, the <sup>R.S.O. 1960,  
c. 249, s. 294b  
(1970, c. 14, s. 1),  
subs. 1,</sup> Universities, etc., liable to tax council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate,
  - (a) a university designated by the Lieutenant Governor in Council; or
  - (b) a college of applied arts and technology,

may pass by-laws to levy an annual tax payable on or after the 1st day of July upon such university or college, not exceeding the sum of \$25 a year for each full-time student enrolled in such university or college in the year preceding the year of levy, as determined by the Minister of Colleges and Universities.

- (1a) For the purposes of subsection 1, the Ryerson Polytechnical Institute shall be deemed to be a <sup>Ryerson  
Polytechnical  
Institute</sup> college of applied arts and technology.
- (1b) Where the number of full-time students enrolled in the universities and colleges mentioned in subsection 1 exceeds 5 per cent of the population of the local municipality in which they are situate, according to the census of the municipality taken in the year preceding the year of levy under section 23 of *The*

1968-69, c. 6

*Assessment Act, 1968-69*, the tax levied by that municipality may be increased to a sum not exceeding \$35 for each full-time student.

R.S.O. 1960,  
c. 249, s. 294b  
(1970, c. 14,  
s. 1), subs. 2,  
amended

(2) Subsection 2 of the said section 294b is amended by adding at the end thereof "but sections 548 and 574 do not apply to such tax", so that the subsection shall read as follows:

How tax  
collectable

(2) Any tax levied under a by-law passed under subsection 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 532, but sections 548 and 574 do not apply to such tax.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59, cl. a,  
subcl. i  
amended

**2.** Subclause i of clause a of paragraph 59 of section 377 of *The Municipal Act* is amended by inserting after "includes" in the fourth line "a member of the police force of the municipality and", so that the subclause shall read as follows:

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

Application

**3.** The definition of "employee" in subclause i of clause a of paragraph 59 of section 377 of *The Municipal Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of a police force of a municipality, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 20th day of July, 1971.

R.S.O. 1960,  
c. 249, s. 401,  
par. 15, cl. b,  
subcl. iii,  
amended

**4.** Subclause iii of clause b of paragraph 15 of section 401 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1960-61*, is further amended by adding at the end thereof "except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence a licence fee shall not be required for such lot".

R.S.O. 1960,  
c. 249, s. 466,  
subs. 2,  
amended

**5.** Subsection 2 of section 466 of *The Municipal Act* is amended by striking out "Municipal Board" in the fourth line and in the fifth line and inserting in lieu thereof in

Subsection 2. The sections made not applicable provide for fixing the time of payment of taxes, discounts for advance payments and penalties for late payment.

SECTION 2. The amendment is to make it clear that members of a police force of a municipality are its employees for the purpose of providing pensions, sick leave, group life insurance and other benefits to such members.

SECTION 3. Self-explanatory.

SECTION 4. Municipalities may impose a licence fee of up to \$20 per month for each lot in a trailer camp; the amendment eliminates a licence fee in the case of lots that are not made available for long-term or permanent occupancy by a trailer.

SECTION 5. The approving authority to highways being laid out less than 66 feet or more than 100 feet in width is transferred from the Municipal Board to the Minister of Municipal Affairs.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

each instance "Minister", so that the subsection shall read as follows:

(2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

**6.**—(1) The Corporation of the City of Toronto may enter into agreements with Central Mortgage and Housing Corporation on such terms and conditions as may be agreed upon for the making of loans under the *National Housing Act* (Canada) in connection with the rehabilitation of properties in the city, and such agreements may include provision for the Corporation sharing with Central Mortgage and Housing Corporation the cost of subsidizing the rate of interest charged on loans made pursuant to such agreements.

(2) Subsection 1 of section 286 of *The Municipal Act* does not apply so as to require the assent of the electors to any by-law authorizing an agreement entered into pursuant to this section.

**7.** The council of The Corporation of the City of Sault Ste. Marie may pass by-laws for making grants in aid of any person whose property on Laurier Avenue in the City has suffered injury or damage as a result of soil subsidence.

**8.** This Act comes into force on the day it receives Royal Assent.

**9.** This Act may be cited as *The Municipal Amendment Act, 1971.*

**BILL 136**

An Act to amend  
The Municipal Act

*1st Reading*

July 20th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Government Bill)*

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**BILL 136**

Government Bill

Government  
Publicat

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Municipal Act**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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*(Reprinted as amended by the Committee of the Whole House)*



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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Subsection 1. The amendment adds to designated universities as educational institutions that may be taxed, the Ryerson Polytechnical Institute and the colleges of applied arts and technology; the rate of tax may be increased from \$25 to \$35 per student where the number of students enrolled in taxable institutions in a municipality exceeds 5 per cent of the total population.

**BILL 136****1971**

**An Act to amend The Municipal Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 294b of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1970* (No. 1), is repealed and the following substituted therefor:

- (1) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate,
  - (a) a university designated by the Lieutenant Governor in Council; or
  - (b) a college of applied arts and technology,

may pass by-laws to levy an annual tax payable on or after the 1st day of July upon such university or college, not exceeding the sum of \$25 a year for each full-time student enrolled in such university or college in the year preceding the year of levy, as determined by the Minister of Colleges and Universities.

- (1a) For the purposes of subsection 1, the Ryerson Polytechnical Institute shall be deemed to be a college of applied arts and technology.
- (1b) Where the number of full-time students enrolled in the universities and colleges mentioned in subsection 1 exceeds 5 per cent of the population of the local municipality in which they are situate, according to the census of the municipality taken in the year preceding the year of levy under section 23 of *The*

1968-69, c. 6

Assessment Act, 1968-69, and where the total assessment as shown by the last revised assessment roll of all properties within the municipality that are exempt from taxation, other than properties in respect of which payments in lieu of taxes were received in the year preceding the year of levy, exceeds 20 per cent of the total assessment of all properties within the municipality the tax levied by that municipality may be increased to a sum not exceeding \$35 for each full-time student.

R.S.O. 1960,  
c. 249, s. 294b  
(1970, c. 14,  
s. 1), subs. 2,  
amended

(2) Subsection 2 of the said section 294b is amended by adding at the end thereof "but sections 548 and 574 do not apply to such tax", so that the subsection shall read as follows:

How tax  
collectable

(2) Any tax levied under a by-law passed under subsection 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 532, but sections 548 and 574 do not apply to such tax.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59, cl. a,  
subcl. 1,  
amended

**2.** Subclause i of clause *a* of paragraph 59 of section 377 of *The Municipal Act* is amended by inserting after "includes" in the fourth line "a member of the police force of the municipality and", so that the subclause shall read as follows:

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

Application

**3.** The definition of "employee" in subclause i of clause *a* of paragraph 59 of section 377 of *The Municipal Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of a police force of a municipality, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 20th day of July, 1971.

R.S.O. 1960,  
c. 249, s. 401,  
par. 15, cl. b,  
subcl. iii,  
amended

**4.** Subclause iii of clause *b* of paragraph 15 of section 401 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1960-61*, is further amended by adding at the end thereof "except that where a lot is to be

Subsection 2. The sections made not applicable provide for fixing the time of payment of taxes, discounts for advance payments and penalties for late payment.

SECTION 2. The amendment is to make it clear that members of a police force of a municipality are its employees for the purpose of providing pensions, sick leave, group life insurance and other benefits to such members.

SECTION 3. Self-explanatory.

SECTION 4. Municipalities may impose a licence fee of up to \$20 per month for each lot in a trailer camp; the amendment eliminates a licence fee in the case of lots that are not made available for long-term or permanent occupancy by a trailer.

SECTION 5. The approving authority to highways being laid out less than 66 feet or more than 100 feet in width is transferred from the Municipal Board to the Minister of Municipal Affairs.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence the licence fee shall be not more than \$5 per month".

**5.** Subsection 2 of section 466 of *The Municipal Act* is R.S.O. 1960,  
amended by striking out "Municipal Board" in the fourth c. 249, s. 466,  
line and in the fifth line and inserting in lieu thereof in subs. 2,  
each instance "Minister", so that the subsection shall read amended  
as follows:

(2) No highway less than 66 feet in width or, except <sup>Width of highways</sup>  
in a city or town, more than 100 feet in width shall  
be laid out by the council of the municipality  
without the approval of the Minister or by any  
owner of land without the approval of the council  
of the municipality and of the Minister.

**6.—(1)** The Corporation of the City of Toronto may <sup>Agreements authorized</sup>  
enter into agreements with Central Mortgage and Housing Corporation on such terms and conditions as may be agreed upon for the making of loans under the *National Housing Act* (Canada) in connection with the rehabilitation of properties in the city, and such agreements may include provision for the Corporation sharing with Central Mortgage and Housing Corporation the cost of subsidizing the rate of interest charged on loans made pursuant to such agreements. R.S.C. 1952,  
c. 188

(2) Subsection 1 of section 286 of *The Municipal Act* R.S.O. 1960,  
does not apply so as to require the assent of the electors c. 249, s. 286,  
to any by-law authorizing an agreement entered into pursuant not applicable  
to this section.

**7.** The council of The Corporation of the City of Sault Ste. Marie may pass by-laws for making grants in aid of Sault Ste. Marie Grants in aid, any person whose property on Laurier Avenue in the City has suffered injury or damage as a result of soil subsidence.

**8.** This Act comes into force on the day it receives Commencement Royal Assent.

**9.** This Act may be cited as *The Municipal Amendment* Short title *Act, 1971.*

**BILL 156**

An Act to amend  
The Municipal Act

*1st Reading*

July 20th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

---

THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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(Reprinted as amended by  
*the Committee of the Whole House*)

CAZON

XB

-B 56

**BILL 136**

Government  
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Municipal Act**

THE HON. DALTON A. BALES  
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

**BILL 130**

An Act to amend  
The Municipal Act

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*1st Reading*

July 20th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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(Reprinted as amended by  
the Committee of the Whole House)

BILL 136

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

An Act to amend The Municipal Act

THE HON. DALTON A. BALES  
Minister of Municipal Affairs





**BILL 136****1971**

### An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 294b of *The Municipal Act*, R.S.O. 1960, c. 249, s. 294b, as enacted by section 1 of *The Municipal Amendment Act, 1970* (No. 1), is repealed and the following substituted therefor:

- (1) Notwithstanding any general or special Act, the <sup>Universities,  
etc., liable  
to tax</sup> council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate,
  - (a) a university designated by the Lieutenant Governor in Council; or
  - (b) a college of applied arts and technology,

may pass by-laws to levy an annual tax payable on or after the 1st day of July upon such university or college, not exceeding the sum of \$25 a year for each full-time student enrolled in such university or college in the year preceding the year of levy, as determined by the Minister of Colleges and Universities.

- (1a) For the purposes of subsection 1, the Ryerson Polytechnical Institute shall be deemed to be a <sup>Ryerson  
Polytechnical  
Institute</sup> college of applied arts and technology.
- (1b) Where the number of full-time students enrolled in the universities and colleges mentioned in subsection 1 exceeds 5 per cent of the population of the local municipality in which they are situate, according to the census of the municipality taken in the year preceding the year of levy under section 23 of *The* <sup>Increased  
rate of tax</sup>

1968-69, c. 6

*Assessment Act, 1968-69*, and where the total assessment as shown by the last revised assessment roll of all properties within the municipality that are exempt from taxation, other than properties in respect of which payments in lieu of taxes were received in the year preceding the year of levy, exceeds 20 per cent of the total assessment of all properties within the municipality the tax levied by that municipality may be increased to a sum not exceeding \$35 for each full-time student.

R.S.O. 1960,  
c. 249, s. 294b  
(1970, c. 14,  
s. 1), subs. 2,  
amended

(2) Subsection 2 of the said section 294b is amended by adding at the end thereof "but sections 548 and 574 do not apply to such tax", so that the subsection shall read as follows:

How tax  
collectable

(2) Any tax levied under a by-law passed under subsection 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 532, but sections 548 and 574 do not apply to such tax.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59, cl. a,  
subcl. i,  
amended

**2.** Subclause i of clause *a* of paragraph 59 of section 377 of *The Municipal Act* is amended by inserting after "includes" in the fourth line "a member of the police force of the municipality and", so that the subclause shall read as follows:

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

Application

**3.** The definition of "employee" in subclause i of clause *a* of paragraph 59 of section 377 of *The Municipal Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of a police force of a municipality, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 20th day of July, 1971.

R.S.O. 1960,  
c. 249, s. 401,  
par. 15, cl. b,  
subcl. iii,  
amended

**4.** Subclause iii of clause *b* of paragraph 15 of section 401 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1960-61*, is further amended by adding at the end thereof "except that where a lot is to be

made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence the licence fee shall be not more than \$5 per month".

**5.** Subsection 2 of section 466 of *The Municipal Act* is R.S.O. 1960,  
amended by striking out "Municipal Board" in the fourth c. 249, s. 466,  
line and in the fifth line and inserting in lieu thereof in subs. 2,  
each instance "Minister", so that the subsection shall read amended  
as follows:

(2) No highway less than 66 feet in width or, except <sup>Width of highways</sup> in a city or town, more than 100 feet in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

**6.—(1)** The Corporation of the City of Toronto may <sup>Agreements authorized</sup> enter into agreements with Central Mortgage and Housing Corporation on such terms and conditions as may be agreed upon for the making of loans under the *National Housing Act* (Canada) in connection with the rehabilitation of properties in the city, and such agreements may include provision for the Corporation sharing with Central Mortgage and Housing Corporation the cost of subsidizing the rate of interest charged on loans made pursuant to such agreements. R.S.C. 1952,  
c. 188

(2) Subsection 1 of section 286 of *The Municipal Act* R.S.O. 1960,  
does not apply so as to require the assent of the electors c. 249, s. 286,  
to any by-law authorizing an agreement entered into pursuant subs. 1,  
not applicable to this section.

**7.** The council of The Corporation of the City of Sault Ste. Marie may pass by-laws for making grants in aid of <sup>Grants in aid,</sup> Sault Ste. Marie any person whose property on Laurier Avenue in the City has suffered injury or damage as a result of soil subsidence. Marie

**8.** This Act comes into force on the day it receives <sup>Commencement</sup> Royal Assent.

**9.** This Act may be cited as *The Municipal Amendment* <sup>Short title</sup> *Act, 1971.*





**BILL 136**

An Act to amend  
The Municipal Act

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*1st Reading*

July 20th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

July 23rd, 1971

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THE HON. DALTON A. BALES  
Minister of Municipal Affairs

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CAZON

Publications

XB

~~BILL~~ 137

Private Member's Bill

-B 56

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to provide for the Prevention of Noise Pollution  
and Air Pollution by Aircraft**

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MR. BRAITHWAITE

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



**BILL 137****1971**

**An Act to provide for the Prevention  
of Noise Pollution and Air Pollution  
by Aircraft**

**H**ER MAJESTY, by and with the advice and consent of <sup>Interpre-</sup> the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

- (a) "built-up area" means any part of Ontario in which numbers of persons carry on commercial, industrial, business or residential activities, and "area" has a corresponding meaning;
- (b) "Department" means the Department of Health;
- (c) "inspector" means a person who is designated by the Minister as an inspector for the purposes of this Act and the regulations;
- (d) "Minister" means the Minister of Health;
- (e) "regulations" means the regulations made under this Act;
- (f) "smoke" means the visible products of combustion of engine fuel.

**2.** It is the intent of this Act to prevent, in a built-up <sup>Intent</sup> area, the emission of noise and air pollutants by aircraft beyond levels that may be safely tolerated by persons in the area.

**3.**—(1) The Minister may designate officers of the Department as inspectors for the purposes of this Act and the regulations.

(2) An inspector may enter in or on any premises at any <sup>Powers of</sup> <sub>inspector</sub> reasonable times and make such inspections as may be necessary for the purposes of this Act or the regulations.

- Obstructing inspector      (3) No person shall obstruct an inspector in the exercise of his power under this section.
- Prohibition      4. No person shall operate an aircraft in, over or adjacent to a built-up area in such a manner that the aircraft,
- (a) emits a noise beyond the level permitted by this Act or the regulations;
  - (b) emits smoke in excess of the amounts or concentrations permitted by this Act or the regulations; or
  - (c) dumps or releases unburned engine fuel into the air while the aircraft is in operation off the ground.
- Noise pollution index      5. The Department shall establish means for the measurement of noise emitted by aircraft and shall prepare an index of noise levels to be known as the "Noise Pollution Index" which shall indicate the level at which any noise being measured cannot safely be tolerated by persons who hear the noise.
- Smoke emission index      6. The Department shall establish means for the measurement of the amounts or concentrations of smoke emitted by aircraft and shall prepare an index to be known as the "Smoke Emission Index" which shall indicate the level at which the amount or concentration of any smoke being measured cannot safely be tolerated in a built-up area.
- Penalty      7.—(1) Any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.
- Corporations      (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- Idem      (3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Limitation      (4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.
- Regulations      8.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards and methods for the measurement of noise emitted by aircraft;
  - (b) prescribing standards and methods for determining the level of noise which cannot safely be tolerated by persons who hear the noise;
  - (c) prescribing standards and methods for the measurement of the amounts or concentrations of smoke emitted by aircraft;
  - (d) prescribing standards and methods for determining the level at which the amount or concentration of any smoke being measured cannot safely be tolerated in a built-up area;
  - (e) exempting any class or classes of aircraft from the provisions of this Act and the regulations;
  - (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) Any regulation may be general or particular in its <sup>Scope of</sup> <sub>regulations</sub> application and may be limited as to time or place or both.

**9.** This Act comes into force on the day it receives <sup>Commencement</sup> Royal Assent.

**10.** This Act may be cited as *The Aircraft Pollution* <sup>Short title</sup> *Control Act, 1971.*





An Act to provide for the Prevention  
of Noise Pollution and Air Pollution  
by Aircraft

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*1st Reading*

July 21st, 1971

*2nd Reading*

*3rd Reading*

MR. BRAITHWAITE

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(*Private Member's Bill*)

CAZON  
XB  
-B56

Government  
Bill

**BILL 138**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend The Change of Name Act**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

The Bill implements the Report of the Ontario Law Reform Commission on *The Change of Name Act*.

The principal purposes of the amendments are twofold:

1. Requirements on the basis of the residence of the applicant are introduced.
2. The distinction between applications by married men and those by married women are removed.

**BILL 138****1971**

**An Act to amend  
The Change of Name Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Change of Name Act* R.S.O. 1960, c. 49, s. 2, subs. 3, re-enacted is repealed and the following substituted therefor:
  - (3) Any person of the full age of eighteen years who effected a change of name in Ontario under a right that existed at law before the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore before the change to the name he bears as a result of the change, as though the change had not been effected.
2. Subsection 1 of section 3 of *The Change of Name Act* is R.S.O. 160, c. 49, s. 3, subs. 1, re-enacted repealed and the following substituted therefor:
  - (1) Any person may make an application who has had who may apply his ordinary residence in Ontario for at least one year immediately before making the application and who is at least eighteen years of age.
3. Section 4 of *The Change of Name Act* is repealed and R.S.O. 1960, c. 49, s. 4, re-enacted the following substituted therefor:
  - 4.—(1) A married person applying for a change of surname shall also apply for a change of the surnames of his or her spouse and of all unmarried infant children of the husband or of the marriage.
  - (2) A married person may apply for a change of the given names of any or all of his or her unmarried infant children.
4. Subsection 4 of section 6 of *The Change of Name Act* R.S.O. 1960, c. 49, s. 6, is amended by striking out “Notwithstanding section 3” in subs. 4, amended the first line, so that the subsection shall read as follows:

Application  
by divorced  
woman who  
remarries

R.S.O. 1960,  
c. 49, s. 7,  
amended

Application  
by mother  
in certain  
circum-  
stances

R.S.O. 1960,  
c. 49, s. 8,  
repealed

R.S.O. 1960,  
c. 49, s. 9,  
re-enacted

Consent of  
spouse and  
children

Consent of  
other parent  
or spouse

Dispensing  
with consent

- (4) A woman whose marriage has been dissolved and who remarries may apply under this section for a change of the surname of her child or children to her surname on remarriage, but no such application shall be granted unless her husband, if living, consents.

- 5.** Section 7 of *The Change of Name Act* is amended by striking out "Notwithstanding section 3" in the first line, so that the section shall read as follows:

7. An unmarried mother who marries, or a widowed mother who remarries, may make an application, with the consent of her husband, if living, for a change of the surname of her unmarried infant children, not being her husband's children, so that their surname shall be her surname by marriage.

- 6.** Section 8 of *The Change of Name Act* is repealed.

- 7.** Section 9 of *The Change of Name Act* is repealed and the following substituted therefor:

- 9.—(1) Where an application includes an application for a change of the name of the spouse of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application, provided that where the spouses have, in the opinion of the judge been living apart for a period of five years immediately before the application, the judge may hear the application in the absence of and without the consent of the spouse who is not applying, in which case no change of his or her name shall be effected.

- (2) Where the consent of any person is required under subsection 3 or 4 of section 6 or under section 7, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application.

- (3) Notwithstanding subsection 2, where the judge is satisfied that the other parent in the case of an application under section 6 does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any reason is a person whose consent ought to be

dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his or her absence and without his or her consent.

**8.** Clauses *b*, *c*, *d* and *e* of subsection 1 of section 12 of *The Change of Name Act* are repealed and the following substituted therefor:

- (*b*) where the applicant is married, the name in full before marriage of the applicant's spouse, and the date and place of the marriage;
- (*c*) the name in full of the applicant's father and, where the applicant is married, the name in full of the father of the spouse of the applicant;
- (*d*) the maiden name in full of the mother of the applicant and, where the applicant is married, the maiden name in full of the mother of the spouse of the applicant;
- (*e*) that he has had his ordinary residence in Ontario for a period of not less than one year immediately before making the application.

**9.** Section 14 of *The Change of Name Act* is amended by adding "and" at the end of clause *c*, by striking out "and" at the end of clause *d*, and by striking out clause *e*.

**10.** This Act does not apply in respect of applications for change of name filed before this Act comes into force.

**11.** This Act comes into force on the 1st day of January, 1972.

**12.** This Act may be cited as *The Change of Name Amendment Act, 1971*.





**BILL 138**

An Act to amend  
The Change of Name Act

*1st Reading*

July 23rd, 1971

*2nd Reading*

*3rd Reading*

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THE HON A. F. LAWRENCE  
(St. George)  
Minister of Justice and Attorney General

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*(Government Bill)*

CA2DN  
XB  
-B56

**BILL 139**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

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**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

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THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General

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TORONTO  
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### **EXPLANATORY NOTES**

**SECTION 1.** The amendment provides for an effective date and time for mortgages and conveyances as against third parties.

**SECTION 2.** The time limit for registration of an instrument is changed to thirty days from its execution and the court clerk is required to endorse the registration number on a statement that accompanies an instrument at the time of filing.

**BILL 139****1971**

**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960, c. 34, s. 12, is repealed and the following substituted therefor:
  12. Every such mortgage or conveyance operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of the mortgagor or bargainor or as against subsequent purchasers or mortgagees in good faith for valuable consideration upon, from and after the day and time of registration.
2. Section 21 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1960, c. 34, s. 21, is repealed and the following substituted therefor:
  - 21.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered within thirty days after the execution thereof in the office of the clerk of the county or district court of the county, district or judicial district in which the property mortgaged or sold is at the time of the execution thereof.
 

Where instruments to be registered
  - (2) Where the property is situate in the Provisional County of Haliburton, the instrument shall be registered within thirty days after the execution thereof in the office of the clerk of the county court of the County of Victoria.
  - (3) The clerk shall,
    - (a) file the instrument; and
    - (b) where the instrument,

Filing and endorsing

- Certificate of registration**
- (i) is accompanied by a statement in the prescribed form, endorse a registration number on the statement, or
  - (ii) is not accompanied by a statement in the prescribed form, endorse on the instrument the date and time of receiving it.
- Computation of time for registration**
- (4) The clerk shall give to a person registering an instrument a certificate of its registration if so requested.
  - (5) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor.
- Application of Act**
- 3.** This Act applies to a mortgage or conveyance executed on or after the 1st day of January, 1972.
- Commencement**
- 4.** This Act comes into force on the day it receives Royal Assent.
- Short title**
- 5.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1971.*

SECTION 3. Self-explanatory.





An Act to amend  
The Bills of Sale and Chattel  
Mortgages Act

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*1st Reading*

July 23rd, 1971

*2nd Reading*

*3rd Reading*

THE HON. A. F. LAWRENCE  
(St. George)  
Minister of Justice and Attorney General

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*(Government Bill)*

CAZON  
XB  
-B 56

Government  
Publications

**BILL 140**

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to amend The Conditional Sales Act**

THE HON. A. F. LAWRENCE (St. George)  
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Subsection 1. The time limit for registration of a conditional sales contract is changed to thirty days after its execution.

Subsection 2. The subsection is amended to refer to the new subsection 9 added by section 1 (3) of this Bill.

Subsection 3. Provision is made for effective dates for conditional sales contracts as between the parties and as against third parties.

**BILL 140****1971**

**An Act to amend  
The Conditional Sales Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of subsection 1 of section 2 of *The Conditional Sales Act* is repealed and the following substituted therefor:

- (b) within thirty days after the execution of the contract, and a copy is registered the contract or a true copy of it is registered,
  - (i) except in the case of the Provisional County of Haliburton, in the office of the clerk of the county or district court of the county, district or judicial district in which the purchaser resided at the time of the sale, or
  - (ii) where the purchaser resided in the Provisional County of Haliburton at the time of the sale, in the office of the clerk of the county court of the County of Victoria,

and the renewal statement, if any, is registered as provided in section 5.

(2) Subsection 8 of the said section 2 is repealed and the following substituted therefor:

- (8) The word “creditors” in subsections 7 and 9 means Interpretation creditors of a purchaser to whom goods have been delivered for the purpose of resale by him in the course of business.

(3) The said section 2, as amended by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967* and sub-amended sections 1, 2 and 4 of section 2 of *The Conditional Sales*

*Amendment Act, 1970*, is further amended by adding thereto the following subsection:

When contract  
to take effect

(9) Every contract operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of and subsequent purchasers or mortgagees claiming from or under the purchaser, without notice, in good faith and for valuable consideration upon, from and after the day and time of registration.

Application  
of Act

**2.** This Act applies to a contract executed on or after the 1st day of January, 1972.

Commencement

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Conditional Sales Amendment Act, 1971*.

SECTION 2. Self-explanatory.





**BILL NO**

An Act to amend  
The Conditional Sales Act

*1st Reading*

July 23rd, 1971

*2nd Reading*

*3rd Reading*

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THE HON. A. F. LAWRENCE  
(St. George)  
Minister of Justice and Attorney General

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*(Government Bill)*

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**BILL 141**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971 —

**An Act for granting to Her Majesty certain sums of  
money for the Public Service for the fiscal year  
ending the 31st day of March, 1972.**

THE HON. W. DARCY McKEOUGH  
Treasurer of Ontario and Minister of Economics





**BILL 141****1971**

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1972.**

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1972, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.**—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$4,872,585,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1971, to the 31st day of March, 1972, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, 1972, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate

of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for Expenditure      **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement      **3.** This Act comes into force on the day it receives Royal Assent.

short title      **4.** This Act may be cited as *The Supply Act, 1971*.

## SCHEDULE

Department of Agriculture and Food.....\$	77,500,000
Department of Civil Service.....	3,229,000
Department of Correctional Services.....	57,875,000
Department of Education.....	1,328,349,000
Department of Energy and Resources Management.....	98,646,000
Department of Financial and Commercial Affairs	5,872,000
Department of Health.....	989,552,000
Department of Highways (Department of Transportation and Communications).....	542,656,000
Department of Justice.....	131,293,500
Department of Labour.....	25,885,000
Department of Lands and Forests.....	77,803,000
Office of the Lieutenant Governor.....	40,000
Department of Mines and Northern Affairs....	12,458,000
Department of Municipal Affairs.....	313,810,000
Department of the Prime Minister.....	664,000
Office of the Provincial Auditor.....	1,162,500
Department of Provincial Secretary and Citizenship.....	10,949,000
Department of Public Works.....	115,522,000
Department of Revenue.....	13,874,000
Department of Social and Family Services....	354,946,000
Department of Tourism and Information.....	15,295,000
Department of Trade and Development.....	198,642,000
Department of Transport (Department of Transportation and Communications).....	18,533,000
Department of Treasury and Economics.....	30,509,000
Treasury Board.....	3,692,000
Department of University Affairs.....	443,828,000
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	\$4,872,585,000
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An Act for granting to Her  
Majesty certain sums of money  
for the Public Service for the  
fiscal year ending the 31st  
day of March, 1972

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*1st Reading*

July 27th, 1971

*2nd Reading*

July 27th, 1971

*3rd Reading*

July 27th, 1971

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THE HON. W. DARCY McKEOUGH  
Treasurer of Ontario and  
Minister of Economics

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